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Proceedings

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THE
MISCELLANEOUS DOCUMENTS

OF THE
SENATE OF THE UNITED STATES

FOR THE
SECOND SESSION OF THE FIFTIETH CONGRESS, AND SPECIAL
SESSION COMMENCING MARCH 4, 1889.

IN FOUR VOLUMES.

Volume 1.—Nos. 1 to 30.
Volume 2.—Nos. 31 to 93 (except 62), and 1 to
15 Special Session.
Volume 3.—No. 62.
Volume 4.—No. 94.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1889.



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TO

THE MISCELLANEOUS DOCUMENTS

OF

THE SENATE OF THE UNITED STATES

FOR THE

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50TH CONGRESS, }
2d Session. }

SENATE.

{ MIS. DOC.
{ No. 62.

TESTIMONY

ON THE

ALLEGED ELECTION OUTRAGES IN TEXAS

.

REPORTED FROM THE

COMMITTEE ON PRIVILEGES AND ELECTIONS

OF THE

SENATE OF THE UNITED STATES.

FEBRUARY 4, 1889.—Reported, ordered to lie on
the table and be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1889.

ALLEGED ELECTION OUTRAGES IN TEXAS.

Mr. EVARTS, from the Committee on Privileges and Elections, reported the following:

Testimony taken by the subcommittee of the Committee on Privileges and Elections of the United States Senate, under authority of the following resolution passed by the Senate January 26, 1887:

RESOLUTION.

Whereas Stephen A. Hackworth, a native citizen of the United States and of the State of Texas; James L. Moore, a native of Alabama and now for twenty years a citizen of Texas; and Carl Schutze, a native of Germany, for thirty years a resident of the United States and now a naturalized citizen thereof, have presented their petition to the Senate, wherein they allege that they have been driven from their homes in Washington County, Texas, and compelled to abandon their property at a great sacrifice, and that armed and lawless bands of ruffians have taken possession of and destroyed certain ballot-boxes in said county at a late election therein for county officers and member of Congress, and have murdered three citizens of said county, and overthrown republican government therein, and committed other outrages and crimes, all of which have been done in order that the majority of the voters therein may be deprived of their lawful and constitutional rights of suffrage, and that the minority may unlawfully usurp and exercise control in said county, and that the constituted authorities of said county and State refuse all remedy for said outrages and crimes: Be it

Resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to inquire into all the circumstances of, and connected with, the said alleged events, and that it report as soon as may be; and that said committee have power to send for persons and papers, to employ a stenographer, and to act by any subcommittee, and that any such subcommittee shall for the purposes of such investigation be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the chairman thereof.

PETITION.

To the Senate and House of Representatives of the United States:

Your petitioners, Stephen A. Hackworth, James L. Moore, and Carl Schutze, respectfully state—

That they are citizens of Brenham, Washington County, Texas, but that they are now refugees from their homes in consequence of political persecutions.

That they are law-abiding citizens and are not charged with the commission of any crime whatever against the laws of said State, and they possess the confidence and esteem of all law-abiding citizens who know them.

That, having in vain appealed for protection for their lives and property and for the security and property of their families to the local and State authorities of said county and State, they have now no other recourse except to appeal to you in the earnest hope that there may somewhere exist sufficient power to protect a citizen of the United States in his own country.

Your petitioner, Stephen A. Hackworth, is a native-born citizen of said Washington County, Texas; has resided a greater part of his life in said city of Brenham; is now forty-seven years of age; is by occupation a dealer in real estate; and from

1870 to 1882 held several civil positions in said county; owned real estate and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family.

Your petitioner, James L. Moore, is a native of the State of Alabama, but has been a citizen of said Washington County, Texas, since 1866; is now forty-five years of age, and by occupation a merchant; and from 1876 to 1882 held the office of district clerk, and from 1882 to 1884 held the office of sheriff of said county; owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated and earning a comfortable living for himself and family.

Your petitioner, Carl Schutze, was born in Germany, but was many years ago naturalized, and has resided in the United States during the past thirty years, and has been a citizen of said Washington County since 1871; is now thirty-five years of age and unmarried; is by profession a lawyer, and from 1877 to 1880 held the office of district attorney of said county and State; was, until recently, editor of a German Republican newspaper, published at the said city of Brenham, known as the *Staats Zeitung*; was comfortably situated, owning personal property to the value of \$3,000; the income from his profession and paper earning him a competent support.

Your petitioners are white citizens of the United States, and dared to believe and maintain the right to be Republicans in politics.

For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assassination, and abandon their property or accept for it such prices as were proffered them.

Your petitioner, S. A. Hackworth, was obliged to sell his homestead for \$1,150, being less than one-half its real value.

Your petitioner, James L. Moore, was obliged to sell his homestead for \$2,000, being less than one-half its real value.

Your petitioner, Carl Schutze, was compelled to move his paper to Galveston, Tex., thereby destroying its patronage and support, and preventing him from obtaining even one-tenth of its real value.

Your petitioners would further state, that at an election held on the 2d day of November last, for the election of county and State officers and member of Congress from the ninth Congressional district of Texas (of which said Congressional district said Washington county forms a part), a perfect reign of terror existed in said county, caused by armed bands of white ruffians, who, by violence and by the destruction of ballot-boxes at Graball, Flewellens, and Lotts' Store election precincts, prevented the free and fair expression of suffrage by the citizens of said county, whereby men in whose interest these crimes were committed were declared elected who were not in fact elected, and by the most shameless and unblushing frauds the election was made a farce.

That every effort made by your petitioners and by other peaceable, law-abiding citizens to obtain lawful and peaceable redress for wrongs, and security for their lives and property, by appeal to the local and State authorities of said county and State, has been prevented by the wanton and cruel murder of important witnesses, and by the further fact that a body of State troops, ostensibly ordered to said county by the State authorities to preserve law and order, in fact acted in open concert with the lawless men who had committed the election outrages, and were then actually engaged in terrorizing the county preparatory to the commission of other outrages, afterwards perpetrated by them.

Your petitioners further state that, since the said 2d day of November last, no protection has existed in said county for the lives and property of citizens who are Republicans in politics; that one-half or more of the white citizens of said county are Republicans in politics, and, together with the colored citizens who are Republicans, have at least 2,000 majority votes over and above the citizens of said county who are Democrats in politics, and also own more than one-half of the real estate and personal property of said county; that said citizens are peaceable and law-abiding, and have never resorted to unlawful acts or measures to secure political ascendancy or to redress their many grievances; that if said citizens should collect in sufficient numbers to secure protection to the lives of proscribed Republicans, such an assemblage would be declared to be a "negro insurrection" by the civil authorities, and would furnish a desirable pretext to said civil authorities and their armed bands of ruffians to call for and obtain from the State authorities sufficient re-enforcement of State troops to suppress the so-called "negro insurrection."

Your petitioners further declare that in pursuance of such repressive policy, and to prevent Republicans from securing their political rights and privileges in said county, Alfred Jones, Shadrach Felder, and Stewart Jones, three colored Republicans, were arrested upon pretended and malicious charges of crime, and, while in the custody of the civil authorities of said county, were, on the 2d day of December ultimo, surrendered by said civil authorities into the hands of large numbers of armed and disguised men—known as Ku-Klux—who wantonly and cruelly hung them to death; that this outrage was committed while the friends of these men were preparing to have

their cases fully heard and investigated by *habeas corpus* proceedings, and the civil authorities of said county, together with their leading political friends, well knowing that reasonable and adequate evidence would be obtained at such trial which would expose and make public their political crimes and outrages, ordered and instigated, as your petitioners verily believe, the death of said Alfred Jones, Shadrach Felder, and Stewart Jones; that John Ireland, governor of said State, has failed and refused to make any effort whatever to have arrested and brought to trial the lawless men who committed this outrage, although the facts were made known to him, and he was earnestly requested to take prompt action therein.

And your petitioners further declare that prompt action upon the part of the civil authorities of said county and State, together with the earnest protest of Democratic political leaders of said county and State, against the lawless acts of said bands of armed ruffians would have, at any time since the said 2d day of November last, restored the supremacy of law and order and secured ample protection to the lives and property of all citizens of said county and State; but, as already stated, no effort or protest has been made by either the said civil authorities or the leading Democratic politicians to prevent the commission of such crimes by said lawless bands of armed ruffians.

And your petitioners further declare that there exists no republican government in said Washington County; that large numbers of citizens who are Republicans in politics have been terrorized and compelled to leave said county, through open threats of murder and violence made by said lawless bands of armed ruffians, who are acting under the orders of said civil authorities and leading Democratic politicians of said county and State; that the lives and property of other citizens of said county, who are unable and unwilling to leave said county, are now in great peril, and in their behalf your petitioners humbly and earnestly appeal to you for their relief and protection.

And your petitioners further declare that the commission of such crimes and outrages is resorted to in other sections of said State, to prevent citizens who are Republicans in politics from making organized efforts to secure representation in the local and State and Federal governments, and the dangers attending such organized efforts is so well known and understood that in many sections of said State Republicans have disbanded their political organizations and abandoned all hope of securing such representation.

And your petitioners further state that on the 4th day of December ultimo they were informed by a prominent member of the Democratic executive committee of said county, who was acting for and in behalf, and with the full knowledge and consent of said Democratic executive committee and civil authorities, that if they would leave the county at once their lives would be spared, but if they refused to do so their lives would be sacrificed; and your petitioners being without hope, worn out by persecutions, and at the complete mercy of armed ruffians who were then collecting and preparing to murder them, and well knowing that their lives would be sacrificed unless they did not comply with the demands of leading Democrats, had thus to abandon their homes and become exiles.

And your petitioner Stephen A. Hackworth was, on the 6th day of December ultimo, escorted to the Gulf, Colorado and Santa Fé Railway depot at said city of Brenham, by members of the Democratic executive committee of said county, also by a number of friends who went with him to protect him from being murdered by armed bands of ruffians who had collected in said city of Brenham, on the 5th and 6th of December ultimo, for the purpose of murdering him if he refused to obey the demands of the said Democratic executive committee requiring him to leave said county, and as the train bore him away from the depot said lawless bands of armed ruffians rent the air with several prolonged and exultant yells of triumph. And your petitioner S. A. Hackworth further states that no time was given him to remove his family from said city of Brenham; and knowing it to be unsafe for him to remain in Texas, he came to Washington, D. C., where he is now temporarily residing.

Your petitioner James L. Moore was permitted to remain until the 12th of December ultimo, to enable him to dispose of his property, and on said date he, with his family, left Brenham for Los Angeles, California, where he and his family now reside.

Your petitioner Carl Schutze was compelled to leave Brenham on said 6th of December ultimo, but returned to Brenham on the 13th of December ultimo, for the purpose of removing his paper, the *Staats Zeitung*, to Galveston, Tex., and on said 13th day of December was, while leaving the depot at Brenham for Galveston, attacked by armed ruffians, who fired two pistol shots and also threw a heavy stone at him through the car window, but he escaped unhurt and is now in Galveston, Tex.

And your petitioners further say that they are unable within the limits of this petition to state all the facts and set forth the long lists of cruel crimes committed upon helpless citizens of said county because they dared to exercise their political rights as Republicans to obtain representation in the local, State, and Federal governments of the country; and your petitioners are prepared and stand ready, when called upon

to do so, to establish by conclusive evidence the truth of all facts herein set forth and submitted.

And your petitioners hereby respectfully submit all matters herein stated and complained of to your honorable body for your careful consideration, and such action as you may deem necessary to cure the evils herein stated, and thereby secure to all citizens of the United States their rights under a republican form of government in fact as well as in name.

As in duty bound, your petitioners will ever pray.

STEPHEN A. HACKWORTH.
JAMES L. MOORE.
CARL SCHUTZE.

By the written authority and request of Messrs. James L. Moore and Carl Schutze, I have signed their names to the above and foregoing petition, this the 6th day of January, 1887.

S. A. HACKWORTH.

Under the foregoing resolution the following Senators were designated as members of the subcommittee of investigation : Messrs. Evarts (chairman), Teller, Spooner, Pugh, and Eustis.

WASHINGTON, D. C., *Tuesday, February 15, 1887.*

The subcommittee met at 10 o'clock a. m., all the members present.

TESTIMONY OF MARSHALL BOOKER.

MARSHALL BOOKER, having been duly sworn, was interrogated as follows :

By Mr. SPOONER :

Question. Where do you reside?—Answer. I live at Independence, Washington County, Texas.

Q. What is your age?—A. I am twenty-six years old.

Q. How long have you lived in Texas?—A. I have been in Texas thirteen years.

Q. How long have you lived in Washington County?—A. Ever since I have been there in the State.

Q. What is your business?—A. I am a farmer.

Q. What are your politics?—A. Well, I am not a politician by any means. Whenever I vote I mix my vote pretty well ; it is owing to the man who is running for office.

Q. How far do you live from Brenham?—A. Independence, I believe, is 12 or 15 miles, I do not remember which, from Brenham ; about 12 miles, any way.

Q. You had an election in your precinct. What is the name of your present precinct?—A. I do not know. I was not at Independence at the time of the election.

Q. You had an election there last November, the 2d of November?—A. Yes, sir, on the 2d of November.

Q. Was it a general election?—A. Yes, sir.

Q. Which party is in the majority in your precinct, the Republican party or the Democratic party?—A. I do not know.

Q. I mean ordinarily?—A. I cannot say. I have voted at a different precinct. I do not even know the precinct now. I was not living at Independence.

Q. Where did you vote?—A. At Lotts' post-office, which is about 12 miles from Independence.

Q. Did you have anything to do with the election?—A. No, sir.

Q. Did you have anything to do with the ballot-boxes?—A. I went with Mr. Spann, he asked me to go with him, to Brenham to make his returns.

Q. When was that?—A. That was on the 3d of November.

Q. The day after the election?—A. Yes, sir.

Q. Who is Mr. Spann?—A. Mr. C. P. Spann is a farmer living there, living close by Lotts' post-office.

Q. Did he have any official connection with the election?—A. He was one of the judges.

Q. What did he ask you to do?—A. He asked me if I would not go to Brenham with him, as he had to make the returns; and I have a brother living there, and I thought it a very good chance to see him, and so I went.

Q. Did he have in his custody, do you know, any ballot-box used on election day, while he was going to Brenham?—A. Yes, sir; he had the box. He had to make the returns.

Q. Did he take the box along with him?—A. Yes, sir.

Q. He was taking the ballot-box to Brenham, was he?—A. Yes, sir.

Q. Did you go with him?—A. Yes, sir.

Q. What happened, if anything, on the way? What time in the day was it that you started?—A. I suppose when we started it was about 4 o'clock.

Q. In the afternoon?—A. Yes, sir.

Q. How did you go?—A. We left Mr. Lotts', the post-office at Mr. Lotts', in a buggy.

Q. This election was held at what is called Lotts' Store?—A. Yes, sir; at Lotts' Store.

Q. You may proceed.—A. I put in one of my horses and he put in one of his, and we stopped at Independence. When we got there we lost the tap off the bolt of the single-tree that holds the single-tree to the double-tree.

Q. No matter about that.—A. And we stopped at my brother's to get his hack to go on to Brenham in, and I suppose it was about sundown when we got there.

Q. It was about sundown when you got where?—A. When we got to Independence.

Q. How far is Independence from Lotts' Store?—A. I think it is about 9 or 10 miles.

Q. Proceed.—A. We ate supper, and when we got through supper and had fed up our horses, we hitched right up and started for Brenham.

Q. When was this, on the third?—A. Yes, sir; it was on the third. When we passed Independence, about 2 miles, I suppose, three armed men came out under the shade of the trees and halted us and told us to hold up.

Q. What did they say?—A. They just walked out and said, "Hold up." Mr. Spann asked them, he says, "What does this mean?" One of them said, "I want that ballot-box."

Q. Who said that?—A. One of the armed men. Mr. Spann didn't say anything then. "Well," he says, "we want it." He says "Hold your guns on them." There were two pistols and a Winchester, I took it to be. I don't know whether they were six or seven shooters, but there were two pistols.

Q. Was each man armed?—A. Yes, sir; each man was armed and masked, and one said to the other, "Stand on the opposite side and hold

your gun on them." Mr. Spann says, "I will not give up the box." The man said, "Well, we will have it." Mr. Spann said, "If you will, you will have to take it; I will not give it up." Then one of the men said, "Well, by God, I can take it." The box was down in front of us under the seat, right in the front of the hack, and he reached his hand in and took it out. Then he said, "We want the tally-sheets;" and Mr. Spann put his hand back to get them out, and the man said, "We do not want any disturbance." Then Mr. Spann pulled them out and handed him one, and he said, "I think there is another;" and he handed him a second one, and he said, "Well, I believe there ought to be another." Mr. Spann said, "I have no other." "Well," he said, "drive on" somewhere, and so we drove on.

Q. They took the ballot-box, did they?—A. Yes, sir; they took the ballot-box.

Q. And the tally-sheets?—A. Yes, sir.

Q. Did they ask for anything besides the ballot-box and the tally-sheets?—A. That was all they asked for.

Q. Did you know who they were?—A. No, sir; I did not.

Q. Do you know whether they were white men or not?—A. No, sir; I cannot say whether they were white or black, because they were masked.

Q. Were their hands masked?—A. I cannot say that they were or that they were not.

Q. How dark was it?—A. The moon was shining, but this was under the shade of the trees.

Q. What sort of masks did they have on?—A. They had handkerchiefs over their faces and hats pulled down over their foreheads.

Q. What did you do then?—A. Mr. Spann drove on. We just drove on to Brenham and reported.

Q. Who did you report to?—A. To Hugh Lewis, the county clerk, and to Judge Kirk, the judge of that county.

Q. Do you mean this gentleman who is here [indicating]?—A. Yes, sir; I believe he is county judge. I do not know.

Q. What did you report to him?—A. We reported that we were halted by three masked men, and that the ballot-box was demanded of us.

Q. What did he say?—A. I do not know what he said now.

Q. Do you know the proportion of colored and white voters in that precinct?—A. No, sir; I do not.

By Mr. EUSTIS:

Q. You say you voted at Lotts' post-office precinct?—A. Yes, sir.

Q. Was it or not a quiet and orderly election at that precinct?—A. Yes, sir; it was so.

Q. Was there any disturbance of any kind at that precinct?—A. Not a particle.

Q. Was there any intimidation of any kind towards any voters?—A. No, sir.

Q. Everybody voted freely and as he wanted to?—A. Yes, sir.

Q. Were you at Lotts' Store during the whole day until the polls closed?—A. Yes, sir.

Q. If any voter at that precinct wanted to vote the Republican ticket could he not do it with freedom and without molestation just the same as any Democrat would do?—A. Yes, sir.

Mr. EUSTIS. That is all I desire to ask.

TESTIMONY OF C. P. SPANN.

C. P. SPANN having been duly sworn, was interrogated as follows:

By Mr. TELLER:

Question. What is your name?—Answer. C. P. Spann.

By Mr. SPOONER:

Q. Where do you reside?—A. In Washington County, Texas.

Q. At what place?—A. At a place called Lotts' Store; that is our post-office. I reside in the country.

Q. What is your business?—A. I am a farmer.

Q. How long have you resided in Texas?—A. I was born and raised there, and have lived there for thirty-five or thirty-six years.

Q. What are you in politics, a Democrat or a Republican?—A. I am a Democrat.

Q. How many election precincts are there in that county of Washington?—A. I cannot tell you how many there are in the county; I think there are about six or seven boxes in that precinct.

Q. You mean in the precinct that you live in?—A. Yes, sir.

By Mr. TELLER:

Q. Do you call that Lotts' precinct?—A. No, sir; that is Lotts' Store.

By Mr. SPOONER:

Q. What is the name of this precinct?—A. It is called Precinct No. 1.

Q. How many voting places were there in that precinct?—A. I think there are six; the one I was at was the fifth, and I think there was another one.

Q. The one you were at was at Lotts' Store?—A. Yes, sir; at Lotts' Store.

Q. Were you one of the officers?—A. Yes, sir.

Q. You had a general election there on the 2d of November last?—A. Yes, sir.

Q. An election for what officers?—A. For county and State officers.

Q. And for members of Congress?—A. Yes, sir; for members of Congress also.

Q. What official function were you called upon to discharge at that election?—A. I think I was a clerk; yes, I was a clerk. There were three managers and two clerks.

Q. Are there negro voters in that precinct?—A. Yes, sir; there are both whites and negroes.

Q. Be kind enough to state to the committee what proportion of the votes cast at that box were white and what proportion were colored.—A. There were 189 votes cast altogether; 156 Republican votes and 33 Democratic votes, or what was called votes for the People's ticket.

Q. What proportion was the white vote to the colored vote?—A. The votes for the People's ticket, the 33 votes, were all white.

Q. And the remainder were colored?—A. Yes, sir.

Q. And the colored men voted the Republican ticket?—A. Yes, sir; a straight Republican ticket.

Q. When does your election end there; at sun-down?—A. At 6 o'clock in the evening.

Q. Did you have, after the closing of the polls, anything to do with the counting of the vote?—A. Yes, sir; I made out a tally-sheet and kept an account of the votes.

Q. How many tally-sheets do you make there?—A. We make three. One the presiding officer keeps, one is delivered to the county clerk, and one to the county judge.

Q. Who was presiding judge of election? I understand you have such an officer?—A. Yes, sir; my father was the presiding officer.

Q. How do you make your return of elections there?—A. We deliver one tally sheet and the ballot-box to the county clerk, and another tally sheet to the county judge.

Q. Do you have anything to do with the return, with the making of the return?

The WITNESS. Do you mean carrying the box?

Mr. SPOONER. Yes.

A. Yes, sir.

Q. State to the committee what you had to do with that.—A. I started to carry the box from Lotts' store to Brenham on the 3d of November; I left home, I reckon, about three or four o'clock in the afternoon.

Q. Who was with you?—A. The young man who has just left here, Marshall Booker; I asked him to go along.

Q. That was the next day after the election?—A. Yes, sir.

Q. He went with you at your request?—A. Yes, sir; when we got to Independence, about 10 miles distant, we found that our buggy was broken, and we stopped there and borrowed a hack, and got supper while they were getting the hack ready, and then started on to Brenham, and when we had gotten to $2\frac{1}{2}$ or 3 miles from Independence we were stopped by three masked men who were armed.

Q. What time was this?—A. It was between eight and nine o'clock at night, I reckon.

Q. Those men were armed, you say?—A. Yes, sir; they had two pistols, and a Winchester or shot gun, I could not tell which, at night.

Q. Were they disguised at all?—A. Yes; they had handkerchiefs tied across the lower part of their faces, and their hats were pulled down over their foreheads.

Q. Was it a light or a dark night?—A. As near as I can remember it was a moonlight night. I think it was cloudy, and they stopped us in a shady lane, which made it almost dark.

Q. What did they say to you?—A. One of them stepped out in front of the horses and told us to hold up, and we stopped. I asked him what the meaning of it was, and he said that they wanted the ballot-box. He said he knew I had it, and that it was just as well to give it to him without making any disturbance or having any fuss about it. I told them that they had the drop on me, and that I could not make any resistance; that I would not give it to them, but that they could take it. He said, by God, he could do that, and he just reached his hand into the buggy and took it out. Then he told me he wanted the tally sheets, and I gave those to him, and he told us then we could drive on.

Q. Did they ask for anything else?—A. No, sir; they did not ask for anything else.

Q. What did you do after that?—A. I drove right on to Brenham, and got there about 11.30 o'clock at night. It was too late then to report to the county judge or to the clerk, but the next morning I went out and reported the facts to both of those officers.

Q. To whom did you report?—A. First I went to the county clerk's office and reported to the clerk, Mr. Lewis, and then I went to the county judge's office and reported to him.

Q. What did he say?—A. He said he supposed I could not help it. I told him no; that the men were armed, and I did not propose to run any risk on it.

Q. Had you any reason to anticipate any such occurrence?—A. No, sir; none at all up to about 3 o'clock in the evening, and then I heard that the negroes had murdered Dewees Bolton down in the Bend, about 7 or 8 miles from us, and there was great excitement all through the country, and I thought the best thing to do was for me to go to Brenham with the box as quick as I could. I did not intend to go there with it until the following Saturday, until I heard about this murder, and then I thought I had better get rid of the box.

Q. Had you heard of any other occurrences of the same kind at that election—that is, the robbing of ballot boxes?—A. Yes, sir; I heard that the box at a place called Graball's Store had been destroyed.

Q. Was that a place where the negro vote was largely in the ascendancy, or don't you know about that?—A. Yes, sir; I think it is in the majority down there, but I do not know how much.

Q. You know nothing about the destruction of this other box?—A. That is all I know, except that we had a very quiet election up to the time that we heard that Bolton had been killed.

Q. My question is, you know nothing about the destruction of the other box at Graball's?—A. No, sir, nothing at all; I was 10 miles from there.

Q. That box was destroyed election night, was it not?—A. Yes, sir; I heard it was destroyed that night.

By Mr. EUSTIS:

Q. You say you were one of the clerks of election?—A. Yes, sir.

Q. You were there all day at that precinct?—A. Yes, sir; I was there all day, from 9 o'clock in the morning until 6 o'clock in the evening.

Q. Was it a quiet and orderly election?—A. Yes, sir; there was not a cross word spoken the whole day.

Q. Anybody could vote just as he wanted to, any Democrat or Republican?—A. Yes, sir.

Q. Any white or colored man?—A. Yes, sir; any white or colored man or Dutchman; that didn't make any difference.

Q. Without any molestation or intimidation from anybody?—A. Yes, sir; there was no intimidation at all.

Q. What time did you finish the counting of the vote?—A. I expect it was about 12 o'clock at night when we got through; between 12 and 1 o'clock.

Q. You mean the night of the election?—A. Yes, sir, the night of the election.

Q. Were there not negro candidates on both tickets?—A. Yes, sir; I voted for one of the negro candidates myself, a Republican.

Q. What were the two tickets in the field at that election?—A. One was a straight Republican ticket and the other the People's ticket, a mixture of some Republicans and some Democrats, what was called the People's ticket.

Q. There was no regular Democratic ticket?—A. No, sir; none that I saw. No, I know there was no regular Democratic ticket; there was no nomination.

Q. For whom did you vote for the legislature?—A. I voted for W. H. Blount.

Q. Who was he?—A. He was the Republican candidate for the legislature.

Q. Is he a white or a colored man?—A. He is a colored man.

Q. Was he elected?—A. No, sir.

By Mr. SPOONER:

Q. Was Mr. Kirk a candidate for office on that ticket?—A. Yes, sir; he ran for county judge.

Q. Was this Hugh Lewis, this county clerk, a candidate on that ticket?—A. Yes, sir.

Q. You say the election was a quiet election?—A. Yes, sir; just as quiet as I ever saw or heard of in my life.

Q. The only intimidation that you know of in connection with that election was the obliteration of the vote cast, at the point of the pistol?

The WITNESS. You mean when they took the box from me?

Mr. SPOONER. Yes.

The WITNESS. Yes, they took the box from me.

By Mr. EUSTIS:

Q. Who was elected justice of the peace there at that election?—A. In our precinct it was John A. Vernon.

Q. Who is he?—A. A Democrat or People's man. There was no opposition to him at all.

Q. Do you know whether he was indorsed by the Republicans?—A. Yes, sir; he was indorsed by the Republicans and they all voted for him at the box where I was. There was not a single vote cast against him. All the negroes voted for him.

Q. Who was elected constable?—A. It was a negro by the name of Hense Patton.

By Mr. SPOONER:

Q. The votes for constable did not have to be canvassed by the county officials, did they?—A. Yes, sir; they had.

By Mr. EUSTIS:

Q. So that I understand from what you have testified (you can correct me if I misstate it) that these candidates were sometimes indorsed by one party or the other?—A. Yes, sir.

Q. That is, a Democrat was indorsed by a Republican?—A. Yes, sir.

Q. And the Republicans voted for him?—A. Yes, sir; they voted for him.

Q. And a colored man was elected to this office of constable?—A. Yes, sir.

Q. Who was elected member of the commissioners' court?—A. Right there in my neighborhood it was a negro named George Brown—a Republican.

Q. Is he in office this year?—A. Yes, sir; he is in office this year.

Q. By virtue of this election?—A. Yes, sir; by virtue of this election.

By Mr. SPOONER:

Q. The Republicans ran a straight ticket there, did they not?—A. Yes, sir.

Q. Most of the white men who were on this People's ticket were Democrats?—A. No, sir; it was pretty badly mixed. I think there were nearly as many Republicans as there were Democrats.

Q. On the People's ticket?—A. Yes, sir; on that county ticket.

Q. To what extent were the people on the People's ticket indorsed by the Republicans; were there any who were indorsed except for the purely local offices?—A. No, sir; it might take just a few small offices. Vernon, I know, was one voted for.

By Mr. TELLER :

Q. How many Democrats have you at that precinct?—A. There were 33 Democratic votes cast there for the People's ticket.

Q. Then you call the People's ticket the Democratic ticket.—A. Yes, sir; that is what the Republicans called the People's ticket.

Q. The Democrats all voted the People's ticket, did they not?—A. Yes, sir; I expect they did.

Q. These 156 Republican votes, were they all colored?—A. Yes, sir; they were all colored.

Q. That was on the straight Republican ticket, then, you say, these 156 votes?—A. Yes, sir.

Q. You say you voted for Blount?—A. Yes, sir; I voted for Blount.

Q. Was he on the straight Republican ticket?—A. Yes; he was on the straight Republican ticket.

Q. Did you scratch your ticket to that extent?—A. Yes, sir. There may have been one or two more scratched, but no more than that.

Q. Who was running against Blount?—A. Another freedman by the name of Moore.

Q. A colored man?—A. Yes, sir.

Q. So that you had your choice between colored men?—A. Yes, sir.

Q. And you thought Blount was the best man of the two?—A. Yes, sir; and he was a near neighbor also. I did not know anything about Moore.

Q. You did not know about Moore?—A. No, sir; I did not know about him.

Q. Was there any other candidate except those two for the legislature?—A. No, sir; I do not think there was.

Q. So that you had your choice only between two colored men?—A. Yes, sir.

Q. And you voted for Blount?—Yes, sir; the Republican.

By Mr. EUSTIS :

Q. Did you hear of any intended capture of this ballot-box?—A. No, sir. I did not know there was any trouble at all until I heard that the negroes had killed Dewees Bolton.

Q. Have you any reason to believe that it was done by people belonging to one party or the other?

The WITNESS. That what was done?

Mr. EUSTIS. The capture of this box.

The WITNESS. A. No, sir; I have no reason to believe or say which party did it.

By Mr. SPOONER :

Q. You have no very overwhelming reason to suppose that the Republican party wanted to wipe out the majority in that precinct of one hundred and twenty-three have you?—A. Well, it don't look to me reasonable that they would want to do it.

By Mr. TELLER :

Q. Did you not assume, at the time, that it was done by the opposition, by the men who had lost the election?—A. Up to the time I got to Brenham I thought that the People's ticket was elected.

Q. That is not the question. Did you not know it at the time, that it was the men who had not carried your precinct, who had taken the box from you?—A. No, sir; I was outside my precinct when the box was taken.

Q. Did you not suppose, when the box was taken from you, that it was taken by the men who were in the minority in that precinct, and that the men who took the box represented the thirty-three votes cast and not the one hundred and fifty-six?—A. Yes, sir; I expected so.

Q. You expect so now, then?—A. Understand, I was outside of my precinct when that box was taken.

Q. Do you mean to intimate to this committee that you think the Republicans stole that box?—A. No, sir; I do not mean to intimate that.

Q. Do you not know they did not do it?—A. No, sir; I do not know they did not.

Q. You should not insinuate anything of that kind.—A. I am not trying to insinuate anything of the kind.

By Mr. SPOONER:

Q. Was this county a Republican county?—A. Two years ago it went the other way.

Q. It had been, since the end of the war, a Republican county, had it not?—A. It was swopping backwards and forwards. I have not lived there altogether.

Q. It flopped mostly to the Republican side, did it not?—A. I believe it did.

Q. Is it not true that prior to this 2nd of November there had only been one or two Democrats elected in that county, one of whom was this Hugh Lewis?—A. Yes, sir; I believe that is so. I do not know exactly, though, for I was not there; I was off a good part of the time.

Q. Do you know the proportion of colored voters to white voters in the county?—A. No, sir; I do not.

Q. Do you know what the usual Republican majority of the county is?—A. No, sir; I could not tell you that, either.

Q. Do you know which are the Republican precincts of the county, ordinarily?—A. I think Precinct No. 1, the precinct I live in, is a Republican precinct.

Q. By what majority ordinarily?—A. I just told you I have not got the least idea. I know they have a good big majority, but I could not tell you what it is.

Q. It is in what is called the Black Belt, is it not?—A. Yes, sir.

Q. About all the interference with ballot-boxes at that election that occurred was in the Black Belt, was it not, so far as you heard?—A. Well, yes, I believe it was.

Q. Where the heavy Republican majority was?—A. Yes, I believe that is so.

By Mr. EUSTIS:

Q. Have you not known, perhaps in your immediate neighborhood, of the election being carried by Democrats where there was a large majority or a majority of negroes in that precinct? Do you remember about the election of Albert Haines as county attorney?—A. Yes, sir; I remember that.

Q. That was in the year 1880, was it not?—A. Yes, sir, it was in 1880. He was from our section.

Q. Was he elected?—A. Yes, sir, he was elected.

Q. Was he a Democrat?—A. Yes, sir, he was a Democrat.

Q. Do you remember anything about the election of Tom Evans, who ran for assessor?—A. He ran for assessor, but he was beaten.

Q. Do you remember whether he carried that precinct or not? A. Yes, sir, I think he carried that precinct.

Q. What precinct?—A. Precinct No. 1.

By Mr. SPOONER :

Q. When you refer to Precinct No. 1, you refer to justice's Precinct No. 1?—A. Yes, sir.

Q. Speaking of the election two years ago, let me ask you if on that occasion the Republicans were not split up, and there was a People's ticket which was run?—A. Yes, sir, there was what was called the People's ticket put forward and both parties indorsed it.

Q. In the Republican party did not one prominent Republican run on the Republican ticket and another prominent Republican run for sheriff as an independent, the result of which was the splitting up of the Republican party at that election?—A. Yes, sir, they did.

Q. But whenever the party has been united there since the war, the result has been, as you stated a moment ago, the election mostly of Republicans?—A. It depends upon how the German vote is cast. Sometimes they vote the Democratic and sometimes the Republican ticket. If they go for Republicans, the Republicans are elected; and on the other hand, if they go for the Democrats, they are elected.

Q. Did you ever know in that county, since the war, of the election of a Democratic ticket except on one occasion, two years ago?—A. No, sir; I believe not. But I have only been living in the county for the last ten years.

By Mr. EUSTIS :

Q. How was it understood that the Germans voted at the last election; do you know?—A. At the last election they were very much divided, as far as I know, but at the box where I was the Germans voted the People's ticket straight. There was not a German vote but what was on the People's ticket.

By Mr. SPOONER :

Q. You did not hear of any of the ballot boxes being interfered with in strong Democratic precincts or polling places, did you?—A. No, sir.

By Mr. EUSTIS :

Q. How long has Mr. Lewis been in office?—A. He has been in office ever since the war, or shortly afterwards.

By Mr. TELLER :

Q. What office does he hold?—A. He is county clerk.

By Mr. EUSTIS :

Q. Is his office an elective office?—A. Yes, sir.

Q. What are his politics?—A. He is a Democrat.

Q. How often has he been elected?—A. He is elected every two years, and has been since the war, or shortly afterwards.

By Mr. SPOONER :

Q. Is it not a fact that he was first elected in 1876 when the new constitution went into effect?—A. I do not know. I was not living in the county at that time.

Q. Then he was not elected first until ten years after the war?—A. I cannot say. I was not living there. When I moved to the county, ten years ago—

Q. You do not mean to say, then, that he has been in office ever since the war?—A. No, sir; I do not mean to say that, for I do not know. I have not been living there.

By Mr. TELLER:

Q. You simply mean ever since you have known about it?—A. Yes, sir.

Q. Which is since the war?—A. Yes, sir; I think it was 1877 that I moved there.

By Mr. EUSTIS:

Q. Do you know what office Mr. Minkwitz has held?—A. Yes, sir; he is county treasurer.

Q. Is that an elective office?—A. Yes, sir.

Q. How often is he elected?—A. He is elected every two years.

Q. How long has he held that office?—A. I do not know how long he has held it.

Q. About how long, according to your recollection, has he held it?—A. The last time a man was elected there he was a Republican, and he got away with \$20,000 or \$25,000 of the county money, and they sent him to the penitentiary at Huntsville, and then they put Mr. Minkwitz in his place.

Q. How many times has he been elected to that office?—A. Several times; three or four times.

Q. What are his politics?—A. He is a Democrat.

By Mr. SPOONER:

Q. He is a German?—A. Yes, sir.

Q. And has he had the German vote right along?—A. Yes, sir; I suppose so.

By Mr. TELLER:

Q. He had to have some of the negro vote also to get elected, did he not?—A. Yes, sir.

TESTIMONY OF T. M. JONES.

T. M. JONES (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your name?—Answer. T. M. Jones.

Q. Where do you live?—A. I live in Washington County, Texas.

Q. At what place in the county?—A. My home is in Brenham, just outside of the corporation, but my work is in the country; that is where my work is—school-teaching.

Q. You are a school-teacher?—A. Yes, sir.

Q. What is your age?—A. My age is twenty-three.

Q. How long have you lived in Washington County?—A. All my days—for the last twenty-three years.

Q. In what precinct were you a voter on the last election on the second of November?—A. I voted in Justice's precinct No. 1.

Q. At what voting place?—A. At Flewellen's.

Q. What is the vote in that precinct?

The WITNESS. Do you mean what number?

Mr. SPOONER. Yes; the total vote.

A. The total vote is 159.

Q. I speak of that box?—A. Yes, sir; I am speaking of that box. It is 159 at that box.

Q. What proportion is Republican and what Democratic of the total vote at that polling place?—A. I could not tell, but the Republicans were in the majority.

Q. About what majority?—A. We had not finished counting, and I could not tell.

Q. What is it ordinarily?—A. We had counted as far I think as 69.

Q. Can you tell what the usual Republican majority is at that polling place?—A. I could not. I have not been long a voter and am not much acquainted.

Q. Were you an officer of the election?—A. I was clerk of the election.

Q. At that poll?—A. Yes sir.

Q. On the second of November last?—A. Yes sir.

Q. That is in the black district, or Black Belt, as it was called?—A. sir.

Q. State to the committee, if you please, what occurred that day.—A. Nothing occurred during the day that I am aware of.

Q. The voting went on quietly during the day?—A. I suppose so. I was in the house and could not tell what was going on outside, but I never heard anything on the outside.

Q. What occurred in the evening, if anything?—

The WITNESS. During the night.

Mr. SPOONER. Yes.

The WITNESS. Well, after we had counted a certain distance at night—

Q. Who acted with you as officers of the election?—A. Mr. William Calls, Mr. Robinson, Bob Wright, and Lewis Pennington.

Q. When you had partially completed the count, what occurred?—A. Some men entered the house, I do not know how many they were. They came into the house and had on these long yellow rubber coats. I don't know what time of the night it was.

Q. Were they all of them dressed in rubber coats?—A. I cannot tell you, but I am sure one of them was.

Q. How many came in?—A. I could not tell you. It scared me and I could not tell you how many there were or whether they were all dressed that way or not.

Q. Were they armed?—A. I am sure one of them was. I could not identify but one who was armed.

Q. Were they in disguise at all?—A. Yes, sir, partly; with handkerchiefs tied across here [indicating across the face].

Q. How many do you think there were of them?—A. I could not tell.

Q. Were there more than two?—A. Yes, more than two; about three, I suppose.

Q. What time in the evening was this?—A. It was something past eleven o'clock.

Q. It was while you were all there counting the votes?—A. Yes, sir.

Q. What did they do; how did they get in; did they force their way in?—A. They came up to the door and knocked on the door once, and at that time one of the men in the room walked out of the door, and then Mr. Robinson said, "There goes one man after his shot-gun"—in that tone of voice; and that time the second knock came on the back door; Mr. Robinson said, "Come in;" and then they turned the button of the door and pushed it open and came in, and one presented a pistol and said something, but I could not tell you what it was, because the handkerchief was tied over his mouth; but he put his pistol down in that way [indicating]. I ran out of the same door they came in.

Q. Did you strike one of them as you were going out?—A. Yes, sir; I was stooping to go out, and I butted one of them in the stomach, the one that was the foremost one coming in.

Q. Did he strike you when you did that?—A. Yes, sir; just as I stooped to go out and butted him he struck me on the back with something hard. I suppose it was the handle of a pistol. I felt it strike me in the back.

Q. Do you remember anything they said?—A. No, sir; I don't remember anything they said; but they said either "hold up" or "hand up." I couldn't tell you exactly which words they used.

Q. What did they do?—A. I could not tell what they did, because I was outside.

Q. Did you go back again?—A. No, sir; I did not go back into the house. Immediately after I got out of the door I heard two shots fired in quick succession.

Q. Do you know what became of the ballot-box or the ballots?—A. No, sir; I do not.

Q. Did any one call there half an hour before this occurrence?—A. Yes, sir; I could not tell whether it was half an hour or not, but it was some time before that.

Q. Who was it?—A. Judge Kirk came in before that occurred.

Q. Tell as near as you can how long it was before these men came there?—A. Well, just before Judge Kirk came in—a few minutes before he came in—

Q. Do you mean this gentleman here [indicating]?—A. Yes, sir. Before he came in Mr. Calls asked me for my watch-key to wind up his watch, which had run down, and I took out my watch and held it in my hand and told him to take the watch-key and wind up his watch. But my key would not fit his watch, and he asked me what time it was, and I told him it was a quarter past 10, I think, or three-quarters past 10; I think it was forty-five minutes past 10; and I suppose it was about a quarter of an hour from that time until Judge Kirk came in.

Q. That would make it about 11 o'clock?—A. Yes, sir.

Q. What did he come there for?—A. I do not know. He came in and asked, "How is things going, boys?" and one of the officers said, "We can't tell how things are going." He said, "You can give an idea of the count; let me see how Hewitt and Herbst are running"; and he turned the tally-sheet on the table that Calls had and said, "Jim Hewitt 43 and Charlie Herbst 19."

Q. Who was Jim Hewitt?—A. He was the colored man running on the Republican ticket for district clerk.

Q. And the other man was the People's candidate for the same office?—A. Yes, sir.

Q. You say Judge Kirk looked over them and took note of the count as to those two officers?—A. Yes, sir. He said "Jim Hewitt 43 and Charlie Herbst 19."

Q. Then did he go away?—A. Yes, sir. He went to a bed where one of the gentlemen was lying, Mr. Rodgers, and shook him and talked to him, and then came on back to where Mr. Robinson was at the table; that is, beside the table.

Q. Who went out with Judge Kirk; anybody?

The WITNESS. Do you mean when he started out?

Mr. SPOONER. Yes.

The WITNESS. Yes, sir. When he started out he said, "Robinson, let me see you a minute;" and Robinson said, "I haven't time; I am

busy." Then he said, "I only want to speak to you a few minutes." So Robinson went out and spoke to him about a minute or two.

Q. He went outside?—A. Yes, sir.

Q. How long after Judge Kirk's visit to the polls and his examination of the list was it before these gentlemen made their appearance with the pistols and disguise?—A. I cannot tell exactly, but I guess it was about half an hour; I suppose it was.

Q. Did Judge Kirk say anything about having been at Graball's?—A. Yes, sir. Some one, I cannot remember who it was, asked him was he from Brenham, and he said, "No, not exactly." They said, "How is things at Graball's?" and he said, "Graball's is all right."

Q. You never went back to complete that count?—A. No, sir; I did not.

Q. Have you heard anything about whether it was completed?—A. No, sir; I have not heard.

Q. Did you hear anything about what became of the ballots or ballot-box that were taken away by these men?—A. I could not say; I have not heard. I have heard many rumors, but it is not worth while to state them, for I do not believe hardly anything I hear.

Q. Did all these men leave the room?—A. I do not know. I was the first to leave, I believe, because I was nearest the door.

Q. Robinson was the presiding judge?—A. Yes, sir.

Q. Was he a Democrat or a Republican?—A. I do not know. I was not much acquainted around there.

Q. He was a white man, was he not?—A. Yes, sir.

Q. Was he the one who said, "there goes a man for his shot-gun?"—A. Yes, sir.

Q. Did he say that in a loud or a low tone of voice?—A. In a tolerably loud tone of voice I believe; he spoke out tolerably loud.

Q. How did he happen to say this?—A. I could not tell you. By the man's going out of the door; that is the only reason I could say.

Q. Did you hear these men in the alley at that time?—A. Yes, sir; we heard them when they first entered the gallery on the back side, and there was a portico on the front side.

Q. Did you hear them at the time he made this remark?—A. Yes, sir. When they walked up on the gallery all stopped writing immediately, and as they walked up and shook the door this man went out.

Q. You have heard, have you not, that this ballot-box was carried away at that time, and that the votes cast at that polling place were not counted?—A. Yes, sir.

Q. And you have not heard that contradicted, have you?

Mr. EUSTIS. I submit that that is hardly evidence.

Mr. TELLER. I think it is perfectly proper to show that an armed body of men came in and the judges ran away, and to show what the report is about it; whether such is the public rumor or not.

Mr. SPOONER. I will not press it. [To the witness:]

Q. In counting, were these mostly Republican tickets as far as you had counted?—A. Yes, sir.

Q. Straight tickets?—A. A few of them were scratched.

Q. How did you count them, in tens?—A. We started to count them in tens first. We made two tallies first.

Q. Did you count slowly or rapidly?—A. Right slowly; tolerably slowly.

Q. How long had you been counting when these men came in?—A. I do not know exactly, but we started to count about 7 o'clock, as near as I can reckon.

Q. And had only counted 69?—A. Yes, sir.

Q. Most of them straight Republican tickets as you say?—A. Yes, sir.

Q. Had the clerk gone out several times during the evening to smoke, or did some officer go out?—A. Mr. Robinson did not smoke, and he said he could not stand Wright's smoking in the house, and he said, "Bob, I will give you five minutes to go outside and smoke, for I cannot stand it."

Q. What delayed this count, anything that you know of in particular?—A. No, sir; nothing that I know of.

By Mr. EUSTIS:

Q. How many officers of election were there at that precinct?

The WITNESS. At that voting precinct?

Mr. EUSTIS. Yes.

The WITNESS. There were four, I believe—no, there were five.

Q. What did you call them—what officers?—A. Mr. Robinson was the presiding judge, and then there was Mr. Calls, Bob Wright, and Lewis Pennington. Myself and Calls were the clerks who were doing the writing, and Bob Wright was calling off the tickets.

Q. How were they appointed and by whom were they appointed?—

A. They were appointed by the presiding officer, Mr. Rodgers, I think.

Q. Who appoints him?—A. The commissioners' court, I suppose.

By Mr. SPOONER:

Q. Have you been subpoenaed since the Sergeant-at-Arms subpoenaed you to come here and testify before the Senate committee? Have any papers been served on you?—A. No, sir.

By Mr. EUSTIS:

Q. Do you know a man named Polk Hill?—A. Yes, sir.

Q. Was he at that precinct that night?—A. Yes, sir; he was.

Q. Is he a white or a colored man?—A. He is a colored man.

Q. Did you see him there at that precinct that night?—A. Yes, sir; I saw him there.

Q. Was he armed?—A. I do not know whether he was or not. I saw him sitting in the house. He did not have any gun in the house with him. I did not see him with a gun.

Q. You testified before the coroner's inquest about the killing of Bolton, did you not?—A. Yes, sir.

Q. You said there, "I know that Polk Hill had a gun on the ground."—A. During the day he had one, but I did not see him with one that night. He may have had one home; I could not tell you. I know he came there with one that day when he voted.

Q. What time did he come there?—A. I think it was about 12 o'clock.

Q. He came with a gun?—A. Yes, sir; with a shot-sack hanging across his shoulder.

Q. Who were present outside that night? Do you remember seeing Shad Felder?—A. He was not outside. Those I saw on the inside were Polk Hill, Shad Felder, Felix Kinlaw, and Stewart Jones.

Q. What were they doing there?—A. They were sitting down on a long bench in the house.

Q. Were they white or colored men?—A. Colored men.

Q. Do you not know they were armed?—A. I do not know, sir. I did not see them with a gun; that is, they did not have it in there. In fact I was so busy I did not notice anyone in the house. But I know I saw some of them with a gun that day. I saw Polk Hill have a gun that day, and whether he had one that night or not I cannot say.

By Mr. SPOONER:

Q. Who else did you see with a gun?—A. Let me see, did I see any one else. [Pausing.] Probably I did, but I cannot remember. It has been a good while.

By Mr. EUSTIS:

Q. Don't you know that Shad Felder, Andy Hayes, Alfred Jones, and some others, colored men, were there that night, and had arms within their reach if not on their persons?—A. No, sir; I do not know that. I did not inquire into the matter.

Q. And that they had come there armed?—A. No, sir; I did not know it; I did not know that anyone at all had come there armed in fact, because I did not think of such a thing, because I was in the house all day and didn't know anything that was going on outside.

Q. What made you so frightened merely because a man came there into the room?—A. Well, I know when they came, I remember that one of the men, I cannot remember who it was, Calls or Robinson, one, spoke of it, of the men coming in during the day, and he said, "Suppose somebody should come in on us like they did at Chapel Hill." He said "There would be hell to pay;" just in that language. He spoke of it twice.

By Mr. TELLER:

Q. You say this was Robinson who said that?—A. It was Robinson or Calls, I cannot say which. But that frightened me; I was scared all the evening.

By Mr. SPOONER:

Q. What was this Chapel Hill incident to which reference was made?—A. That was two years before.

Q. What was it?—A. There was some men came in and taken the ballot-box at Chapel Hill two years ago.

Q. Were any of the election officers killed?—A. I heard there were two men shot—colored men.

Q. Was this in the same precinct?—A. No, sir; that was in Justice's precinct No. 2.

Q. Was it a colored precinct?—A. Colored and white.

Q. A strong Republican precinct?—A. I could not tell; I never visit that precinct.

By Mr. EUSTIS:

Q. Who was it that was killed there that night?—A. Mr. Dewees Bolton.

Q. Who killed him?—A. I do not know any more than I heard. I heard that Polk Hill said that he killed him. I do not know it; I only heard it.

Q. Polk Hill is the man whom Robinson alluded to when he said there goes a man for a gun?—A. Yes; he was the man.

Q. You said that some of these tickets were scratched?—A. Yes, sir.

Q. In whose favor were they scratched?—A. I never took notice. Some of the Republican tickets were scratched I am sure, and on the People's ticket I noticed that there was one man running, Rankin I think it was, and that was the only name that I noticed on the People's ticket that was scratched.

Q. Did you notice any scratching in favor of Judge Kirk?—A. Yes, sir; there were a few Republican tickets scratched in favor of Kirk and Schutze.

Q. Who did you hear say that Polk Hill killed Bolton?—A. I could not tell you who I heard say so; I could not tell where it started from.

Q. It was a general report?—A. I do not know about its being general, but I heard several parties say that he made that statement.

By Mr. SPOONER:

Q. They said that he had made that statement?—A. Yes, sir.

By Mr. EUSTIS:

Q. Do you remember any of their names?—A. No, sir; I do not. I do not remember taking note of their names.

Q. Where did you go when you left that precinct, that house, or polling place?—A. I went down to my brother's, about two miles below, I guess.

Q. Did you come back?—A. No, sir; I did not come back.

Q. Did you come back the next morning?—A. No, sir; I went on out to where I was teaching school, and a young man named Flewellen came after me; he came on past there; it was not very far from there.

Q. Where was the inquest held?—A. At the same place, in the same room.

Q. Did you not testify there?—A. Yes, sir.

Q. You were present there, then, if you testified?—A. Yes, sir; I was present there.

By Mr. SPOONER:

Q. Who was this man Bolton; did you know him?—A. Yes, sir.

Q. Was his father a candidate on the People's ticket at that election for county commissioner?—A. Yes, sir.

Q. Where was Bolton shot?—A. He was shot in that room.

Q. Was he in disguise when he was shot?—A. Yes, sir.

Q. In what sort of disguise?—A. I do not know that. When he came into the room I saw a handkerchief tied around his face.

Q. As he lay dead?—A. No, sir; I mean when he first opened the door to come in.

Q. Did you recognize him when he came into the room?—A. I think I knowed who he was, but I was not positive.

Q. He was one of the men who came in in disguise?—A. Yes, sir.

Q. Was he armed, do you know?—A. Yes, sir; he had a pistol in his hand.

Q. At the time?—A. Yes, sir.

Q. He was a Democrat, was he not?—A. I suppose he was.

Q. He had that reputation?—A. I was not acquainted with his politics at all.

By Mr. TELLER:

Q. Was his name on both tickets—I mean the father?—A. Yes, sir; on both tickets.

By Mr. SPOONER:

Q. Do you remember Shad Felder, whom you have been asked about? Was he in the room when these men came in?—A. I believe he was. I know he was in there before.

Q. What was he doing; anything?—A. Nothing at all, only sitting down.

Q. Quietly and peaceably?—A. Yes, sir; as far as I know.

Q. Had you seen him armed at all that day?—A. No, sir; I had not.

Q. Or noisy or violent?—A. No, sir.

Q. Do you know what became of Shad Felder?

The WITNESS. What; now?

Mr. SPOONER. Yes.

A. He is dead.

Q. What happened to him?—A. He was hung.

By Mr. TELLER:

Q. Bolton was the first man, I understand, who came into the room?—

A. I could not tell you about the first, but I think he was a little in front, because he was the one I saw more plainly than the rest.

By Mr. SPOONER:

Q. What did he say?—A. I could not say exactly what he said. He said something, but I could not tell what it was.

By Mr. TELLER:

Q. He had a handkerchief over his face and a water-proof coat on?—

A. Yes, sir.

Q. Was it a rainy night?—A. No, sir; it was not a rainy night.

Q. Was the water-proof coat for the purpose of disguise; was that what it was put on for?—A. I do not know.

By Mr. SPOONER:

Q. What sort of a night was it?—A. It was a pleasant, moonlight night.

Q. A warm night?—A. Yes, sir. I know we had no use for fires in the room, so that it must have been a warm night.

The subcommittee then adjourned until Wednesday, February 16, 1887, at 10 o'clock a. m.

WASHINGTON, D. C., *Wednesday, February 16, 1887.*

The subcommittee met at 10 o'clock a. m.

TESTIMONY OF T. M. JONES (recalled).

T. M. JONES (colored), having been recalled, was interrogated as follows:

By Mr. SPOONER:

Question. I want to ask you a few additional questions. In connection with this election you recollect three men were hung?—Answer. Yes, sir.

Q. Was your brother one of them?—A. Yes, sir.

Q. Was he there this evening that you testified in relation to yesterday?—A. Yes, sir; he was there.

Q. Where was he?

The WITNESS. When the shooting occurred?

Mr. SPOONER. Yes.

A. I do not know, sir. He said he was on the outside one time, but he was not in the house at the time.

Q. How long before had you seen him—I mean before these men came into the room?—A. I remember seeing him there about dark. He came there at that time.

Q. What did he come there for?—A. He came there for the purpose of bringing me some supper, as I didn't have any dinner that day.

Q. Was he armed at all?—A. If he was I didn't know it. I told him to bring me my overcoat and some supper, and if he was armed I did not know it.

Q. What he came there for was at your request to bring you your overcoat and some supper?—A. Yes, sir.

Q. How old was he?—A. He was thirty years old.

Q. How long had he lived there?—A. He had been living there about ten years, I suppose.

Q. What was his business?—A. He was farming.

Q. Did he own land there?—A. Yes, sir.

Q. Was he a man of family?—A. No, sir.

Q. What was he in politics?—A. He was a Republican. He never took much stock in politics in any way more than just voting; but he voted the Republican ticket, I remember he said.

Q. He was a Republican?—A. Yes, sir.

Q. When was he hanged?—A. On the night of the 2d of December.

Q. Just a month from this election?—A. Yes, sir.

Q. You said yesterday that Mr. Bolton, this man's father, was on two tickets, did you not?—A. Yes, sir; I think I did.

Q. Have you any explanation to make about that?—A. Yes, sir. Yesterday I stated that he was, but since that time I have thought of it, and think he was not on both tickets. There was a People's ticket and another diamond-shaped Republican ticket, and he was not on that ticket I remember. But there was some tickets came in there in the afternoon; who printed them I do not know, and his name was on them.

Q. It was a bogus ticket for the use of the darkies, wasn't it?—A. I suppose so.

Q. He was on that ticket?—A. Yes, sir.

Q. You were not present at the time your brother was hung?—A. No, sir.

By Mr. EUSTIS:

Q. What are your politics?—A. I voted the Republican ticket.

TESTIMONY OF J. M. NICHOLSON.

J. M. NICHOLSON, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your full name?—Answer. J. M. Nicholson.

Q. Where do you reside?—A. I reside in Washington County, Texas.

Q. What is your age?—A. I am sixty-one years of age.

Q. How long have you resided in Washington County?—A. For twenty years.

Q. What is your business?—A. I am a planter.

Q. What are you in politics?—A. I have been Democratic until the last two or three years. We are having a People's ticket in our county since that time, and I have been voting for the People's ticket irrespective of party.

Q. What justice's precinct in Washington County do you reside in?—A. It is Precinct No. 2, the Chapel Hill precinct.

Q. What is the polling place called in that precinct at which you vote?—A. Chadwick's Gin House is what we call it. I do not remember the name given to it by the county officers.

Q. Were you present at that polling place on the 2d of November, the day of the election?—A. I was. I was appointed manager of the election at that place for that day.

Q. That is to say, you were presiding judge of the election?—A. Yes, sir; but I informed the judge at the time he gave me the papers that it would be impossible for me to serve, and he asked me to give the place to some good man, and I went there for that purpose and was there the entire day.

Q. Did you serve as presiding judge of the election?—A. No, sir; I did not. I was suffering from neuralgia at the time and could not serve.

Q. Was there an election held there on that day?—A. There was not.

Q. Explain that; why was there no election held there that day?—A. Well, sir; I am almost ashamed to make the statement, but there were not sufficient parties in the district who could write that I could get to serve. There were three or four freedmen who could write a little, and as many probably of white persons, but they were so situated that none of them would serve. I could not get them to serve although I made repeated efforts during the day to get them to do so.

Q. Why didn't they serve?—A. Some of them had sick families, and some wrote so badly that they could not spell their names, and did not care to serve, and I had no authority to force them, and for that reason the polls were not opened. I remained there all day and held the papers and proposed to give them over to them as soon as they should organize.

Q. What is the number of colored voters in that precinct compared with the white voters?—A. I think I can answer that question almost positively.

Q. That is what I would like to get.—A. There are three or four farms only in that precinct; it is a small precinct on the edge of the county. The whites who own land in that precinct live in the adjoining precinct, so that there are only two or three real-estate owners who live in that precinct.

Q. What is the total vote in that precinct?—The total vote is from ninety to ninety-five altogether.

Q. How many of that number are white?—A. About forty-five. There are thirty Polanders, who cannot read the English language, and fifteen whites, American citizens, and all except four are tenants on the farms and uneducated men. There are altogether ninety or ninety-five votes and there was about an equal set off. The thirty Polanders and the fifteen whites, Americans, would have made forty-five votes. My farm lay within that precinct, and myself and two other farmers constituted almost the entire voting population besides those I have spoken of.

Q. That would be forty-five white voters and forty-five colored voters?—A. Yes, sir; between forty-five and fifty, not to exceed fifty.

Q. What is the political complexion of the precinct at that polling place?—A. The colored vote, I think, pretty generally would have been cast for the Radical ticket.

Q. By that you mean the Republican ticket?—A. Yes, sir; the Republican ticket. The American vote would have been cast solid for the People's ticket.

Q. That is the Democratic ticket?—A. No, sir; we do not call it Democratic. It is composed of Democrats, Republicans, &c. It was a ticket brought out by compromise.

Q. How do those fifteen Americans ordinarily vote? Do they not vote the Democratic ticket?—A. I cannot say. They are tenants who

came into the community within the last year or two. We have not had an election before for two years. I have heard them since say that had the polls been open they would have supported the People's ticket.

Q. How about the Polanders?—A. They would have voted solid for the People's ticket.

Q. Is there a Republican majority generally, or has there been at that polling place?—A. This is the first year we have ever had that precinct set apart as a polling place.

Q. Then the reason the polls were not opened that day was because you could not find men enough competent to serve as officers in the matter of education and intelligence?—A. That was the cause; yes, sir.

Q. How many officers were required?—A. Five; six in all, but five would have answered.

Q. And out of the fifteen Americans—A. There were but three who could write.

Q. And of the negroes who could write you could not get anybody to serve?—A. There were but three or four of those who could read, and one had been in the penitentiary, which rendered him incompetent, I suppose, and two were not present.

Q. Who constituted or erected or created this polling place?—A. It was done by order of the county court.

Q. You mean the commissioners' court?—A. Yes, sir.

Q. When was it established?—A. Last year, I presume; last fall, before the election, I think.

Q. Where had these people been in the habit of voting prior to this?—A. There were two voting places at Chapel Hill, and they voted south of the railroad, as we expressed it there; all living south of the railroad voted at a certain place.

Q. Were these negroes, do you think, afraid to act at that election?—A. I did not hear any fears expressed.

Q. Had anything occurred within a couple of years which was calculated, so far as you know, to make the negroes reluctant to serve at the polls?—A. Well, there was a little trouble that occurred at Chapel Hill two years ago, but I do not think that would have had any influence on these niggers about that.

Q. At the last election prior to that there had been serious trouble?—A. Yes, sir; at Chapel Hill.

Q. Was not that the polling place where these men had voted two years before?—A. Yes, sir.

Q. What had happened at that time?—A. Well, there was an attack or raid made on the box, and the box was taken and some of the parties shot.

Q. Who was shot?—A. A negro named Noxon, one of the commissioners.

Q. He was a colored man, you say?—A. Yes, sir.

Q. A Republican?—A. Yes, sir.

Q. Who made this raid, white or colored men?—A. I do not know.

Q. Were you present at that polling place at that time?—A. No, sir.

Q. You think that was the last election that has been held there, do you?—A. Yes, sir; two years ago, prior to the last election.

Q. Did it occur to you that that had any influence on these colored men in deterring them from acting with you gentlemen as election officers?—A. As I said just now, there were only four who could write, and two of them did not come to the polls until too late to open the box.

Q. That does not answer my question.—A. I was going to explain to you why the box was not opened. In regard to these four freedmen that I speak of, two did not come to the polls until late in the evening, and one who was there I regarded as incompetent, and the other, as a matter of course, would not suffice—one alone. We could not act unless we got the requisite number.

Q. Do you mean to say that of the colored Republican men entitled to vote at that polling place you only knew of four who could write?—A. That is all I knew of, and I made diligent inquiry among the freedmen about it. I will state, by way of explanation, that the most of the freedmen who read in our country have been educated since their freedom, and they are yet young, more under twenty-one than over twenty-one by a great majority; but very few over twenty-one do read. This beat was composed mostly of the older colored freedmen who were slaves, and none of them could write.

Q. Two years before, when this raid was made on the ballot-box, was the ballot-box taken?—A. I think it was.

Q. And the vote suppressed?—A. Yes, sir; I think so.

Q. The vote was not counted?—A. No, sir.

Q. Do you not think that an occurrence at which a colored officer of the election was killed, as in that case, was calculated to deter colored men from acting as officers at the polls?—A. I do not know, sir. I know instances all around where they have acted during the past fall.

Q. Where had you resided before you went to this county of Washington?—A. In Alabama, near the city of Montgomery. I am a native Alabamian.

Q. How many men were shot at this Chapel Hill polling place two years before?—A. I really disremember. I believe there were two, but I am not certain. I know Noxon was shot, for one.

Q. That was your polling place, was it not?—A. Yes, sir.

Q. They were both officers of election, were they not?—A. Noxon was, but I disremember about the other. I am no politician.

Q. That was your polling place, was it not?—A. Yes, sir.

Q. Are occurrences of that kind so frequent there that they escape easily from the memory?—A. That was the first and only one I have known until this past fall.

Q. So that you do not recollect whether there was one or two officers of that election killed by raiders?—A. There were none killed two years ago.

Q. Well, shot?—A. Yes; they were shot. I think there were two; I am not certain; I know there was one.

Q. And both were colored men?—A. Yes, sir; both colored.

Q. Both officers of election?—A. Yes, sir.

Q. If you had served as an officer of election at these polls could you not have gotten others to serve with you?—A. No, sir; the same obstacle would still have existed. I could not have got parties who were competent.

Q. You made an effort to do so?—A. I made repeated efforts; in fact, I remained at the box during the entire day, and had everything ready.

Q. You did not receive any votes at all?—A. No, sir; none at all.

Q. How many men came there to vote?—A. I didn't count them. The news went out in the fore part of the morning that the box would not be opened, and many did not come.

Q. Who sent out that news?—A. There were forty or fifty, I guess, altogether there.

Q. Did you give out that the polls would not be opened?—A. No, sir. I waited, I guess, until it was about ten or eleven o'clock, and about that time Mr. Lockett, who was the Radical candidate, came and asked me why the polls were not opened, and I told him what the trouble was, and he said, "I think I can get up a crowd," and he went to work and spent half an hour at it, and came back and said it was of no use; he said, "I find I cannot get them," and he got on his horse and went off.

Q. Were the men who were there to vote mostly white or colored?—A. They were both, sir. The Polanders came early and remained all day. The others were coming and going; they lived in that immediate vicinity.

Q. In what way did you give out the report that the polls would be closed?—A. I just announced it to the crowd; just gave notice that we could not get up a board of managers; that I had the papers and would deliver them, and there were two or three prominent freedmen there, and I told them to go and hunt and see if they could get anybody to serve, and they came back and told me they had failed and could not get any one. Then I went to dinner, being about a mile from the poll, and returned again and still failed, and remained there until about six o'clock.

Q. And you continued to fail until the sun went down?—A. Yes, sir; until the time expired.

Q. So that no votes were received at that poll?—A. No, sir.

Q. The only reason being that no one would serve as officers?—A. No, sir; we could not get a competent board to serve.

Q. You found there were some negroes, you say, competent to serve, but they would not serve?—A. Yes; two or three. Well, you would have to spell their names to them. They would not serve on account of their ignorance and incompetence.

By Mr. EVARTS:

Q. The question is this: Was the only reason for the polls not being opened that persons could not be obtained to serve as judges?—A. By reason of incompetency.

Q. That was the only reason?—A. Yes, sir; the only reason.

Q. The voters were there?—A. Yes, sir.

Q. And the rest could have been gotten in as voters if the polls had been opened?—A. Yes, sir.

Q. By what authority did you state that there would not be any polls held there?—A. I did not state it.

Q. What did you state?—A. I simply said that I was ready to deliver the papers as soon as the board could be organized.

Q. At 10 o'clock you gave out notice that there would not be any polls?—A. That there could not be any.

Q. I ask you if you did not give out such a notice?—A. I said, "Just as soon as you will organize the board, here are the papers."

Q. At 10 o'clock you gave out that there would not be any polls that day?—A. No, sir.

Q. What did you give out?—A. I just simply gave notice that I had the papers, and as soon as they would organize the board I was ready to deliver those papers to them, and I remained there for that purpose until the time expired, until 6 o'clock in the evening.

Q. Then you did not give out any notice that there would not be any polls?—A. No, sir; I did not, that there would be no polls. I could not tell until it was too late.

Q. We understood you to say that at about 10 o'clock you had made up your mind that there would not be any judges and there would not be any polls open; is that true?—A. I did not intend to convey that idea. I thought the gentleman asked me at what time did I give notice that I had the papers ready to surrender to the board if they should organize one. No, sir; there was no notice given that the polls would not be open until the time expired, because I was there ready with the papers, ready to deliver them in case they organized a board.

Q. Then you did not do anything about it except to be there yourself, and were unable to find judges?—A. I talked with the people generally, mixed with them through the crowd, and they knew I had the papers.

Q. You tried to get judges and did not succeed?—A. I did not succeed; no, sir.

Q. But you did not distribute notice that there would be no polls?—A. No, sir; I did not.

Q. Did any one?—A. Not that I know of; I never heard of it.

Q. How long did these voters remain about the polls?—A. I suppose fifty or sixty of them remained on the ground until very late, near the closing time. Some twenty or thirty were there at 6 o'clock, when the time expired. They commenced leaving late in the evening, when they saw it was possible that the polls would not be opened.

By Mr. SPOONER :

Q. You say there were three or four colored men who could write?—A. Yes, sir; a little.

Q. And who could read?—A. And could read a very little.

Q. Did you invite them to be officers of the polls?—A. I saw and talked with every one of them personally.

Q. And you say that they declined?—A. They declined upon the ground, they said, that they could not write well enough.

Q. Did you not say when you commenced your examination that some of them declined on the ground that their families were sick, &c.?—A. Those were the whites, not the negroes.

Q. Then the negroes declined on the ground that they were incompetent?—A. Yes, sir; because they were incompetent.

By Mr. EUSTIS :

Q. I understand you to say that the vote, as regards political parties, is about equally divided there?—A. About. Possibly the Republican party may have had 3 or 4, not exceeding 5, majority.

Q. How was that People's ticket made up?—A. It is a mixed ticket, sir. We have Radicals, we have Republicans, we have some Democrats, we have some freedmen on the ticket, and Germans sometimes. It is a mixed ticket, as I understand it, by way of compromise with the several parties in the county.

Q. Made up regardless of political feeling or color?—A. Yes, sir.

Q. Did any one give you, as a reason for not serving as one of the judges or clerks in the election, that he was afraid to serve?—A. No, sir; no one assigned that as a reason at all.

Q. Since the Chapel Hill outrage has there not been an election held where proper officers were appointed and served?—A. This last fall's election has been the only one, sir.

Q. What election was that which was held since this Chapel Hill outrage?—A. It was a county and State election, and also we elected our Congressman.

Q. No; but between the time of the Chapel Hill outrage and this last election, I mean?—A. There was no election held between that time and the last election that I remember.

Q. Was there not a prohibition election held there, local option?—A. No, sir; I think not. I disremember if there was any held.

Q. Do you not remember that there was such an election held?—A. I have some indistinct recollection of it; it seems to me about two years ago, or near two years ago. It has been some time ago, and I would not speak positively, sir, in regard to that election.

Q. Do you know whether or not the vote was counted at the election when there was this disturbance at Chapel Hill?—A. I do not know.

Q. You do not know?—A. No, sir; but I think the count was going on at the time of the disturbance.

By Mr. SPOONER:

Q. You mean during the canvassing of the returns?—A. Yes, sir.

By Mr. EUSTIS:

Q. Do you not know that the returns were made of the votes cast at that poll?—A. I cannot answer the question.

Q. What do you say the number is of the people who voted at that poll?—A. There were 46 in all; 45 would have voted for the People's ticket.

Q. Do you know how many of them can read and write—about?—A. There were only four, sir. Mark you, thirty of those were Polanders, that can probably read and write their own language.

Q. I was speaking of those only who could read and write English.—A. Yes, sir.

Q. So that your choice was limited, as I understand, to four negroes, and one of those had been in the penitentiary?—A. Yes, sir.

Q. And four white people?—A. That is, including myself; yes, sir; and one of those white gentlemen had been paralyzed.

Q. If you could have gotten others to serve with you would you not have served?—A. No, sir; I was physically unable to do so at the time.

Q. You were there all day, were you not?—A. Yes, sir; but I was suffering intensely with neuralgia in my face.

By Mr. SPOONER:

Q. Were you present at this Chapel Hill voting place two years before when this outrage occurred?—A. I was not.

Q. Had you voted at that time?—A. I voted early in the day and returned home.

Q. What was the total number of votes cast at that polling place; about what?—A. I cannot answer the question.

Q. I mean as it was constituted at the time of this outrage.—A. I have no idea. As I remarked, I am no politician, and have but little to do with politics. When an election comes on, I go and vote and return home.

Q. How long had that been the polling place?—A. Only for the one time.

Q. I mean Chapel Hill.—A. We have two voting places at Chapel Hill.

Q. I speak of the one where the outrage occurred two years before.—A. That was in the extreme southern portion of the village. A railroad runs through there, and all on a certain side voted at one point.

Q. I do not care for that. I understand that your polling place prior to this new establishment had been at the Chapel Hill polling place, where this outrage occurred?—A. Yes, sir.

Q. How long had you voted at that polling place?—A. I think about two or three years.

Q. Can you tell, in a general way, the number of votes cast at that polling place ordinarily?—A. No, sir; I have no idea.

Q. Was there not a large Republican majority at that polling place?—A. Well, at the time when the election was held there there was.

Q. At the time of this outrage?—A. Well I do not know about that. After we made this compromise and had a mixed ticket——

Q. I am not talking about that.—A. I was trying to call your attention to the fact that this mixed ticket was brought about just after that trouble which you allude to.

Q. Then that does not enter into my question at all.—A. I do not remember the number of votes polled there, nor do I remember how many of them are Republican.

Q. Had there not been prior to this outrage, and was there not at this election, a large Republican majority at that Chapel Hill polling place where this outrage occurred?

The WITNESS. Do you mean this particular place where I voted?

Mr. SPOONER. I mean where you voted and where this outrage occurred.

A. I could not tell you; I do not remember the number of votes. There are gentlemen here who can answer your questions more promptly than I can; I do not remember.

Q. Was anybody punished that you have ever heard of for this assault upon the ballot-box at Chapel Hill?—A. I think not. It was never known who did it.

Q. Was any attempt made to ascertain who did it, by the authorities, that you know of?—A. I cannot answer the question.

Q. Did you ever hear of any reward being offered by the authorities of the county?—A. No, sir.

Q. Any reward for the apprehension of the men?—A. No, sir.

Q. Did you ever hear of any inquiry being made by the grand jury into this Chapel Hill outrage?—A. I cannot answer that question definitely. There may have been inquiries, and the matter may have been investigated by the grand jury. I lived some distance from the courthouse.

Q. One man was shot who died afterwards from his wounds, did he not?—A. No, sir; he recovered and got to be in good health, and died from another cause, as I heard his physician state not long since to me personally.

Q. Was there a coroner's inquest when this man died?—A. I do not remember; I do not think there was; there might have been; I do not know.

Q. How long after he was shot did he die?—A. I cannot answer that question directly; but a year or more.

By Mr. EUSTIS:

Q. At the time of this Chapel Hill outrage who was sheriff of that county?—A. Mr. Moore, I believe, was sheriff at the time.

Q. What is his first name?—A. Judge Kirk can give you his name; I do not remember.

Judge KIRK. J. L. Moore, one of these memorialists, was sheriff of the county at that time.

Q. Was it J. L. Moore?—A. I believe so, but I am not certain as to his given name. I never saw the gentleman, and do not know him.

Q. Do you know whether he is one of those who signed this memorial to get up this investigation?—A. Only by representations made to me by the other parties. It is the same man, I presume.

Q. What is he, a Democrat or a Republican?—A. I believe he rather claimed to be both for a while; I am not certain; I cannot answer that question.

Q. What ticket did you intend to vote at the last election?—A. The People's ticket.

Q. Who was the candidate for the legislature on that ticket?—A. We had a colored man.

Q. What was his name?—A. I really have forgotten; Moore or Blount; Moore, I think.

Q. Was it R. J. Moore?—A. I won't answer positively as to his given name, sir.

Q. He was a colored man?—A. Yes, sir; he was a colored man. I never saw the man, but it was so represented to me on the ticket as one of the men they had compromised on.

By Mr. SPOONER:

Q. When you say it was one of the men they had compromised on, what do you mean?—A. It was done by a convention of the people.

Q. There was a regular Republican ticket in the field, was there not?—A. Yes, sir; at this last election.

Q. A straight Republican ticket?—A. I expect so.

Q. Do you mean to say that this People's ticket was composed of people nominated by a convention?—A. Yes, sir; there was a convention of the people irrespective of party, called for the purpose of bringing out a People's ticket to be formed of the different parties.

Q. That was two years ago, was it not?—A. It was since that time, I think.

Q. How was it at the last election?—A. No, sir; the election two years ago was the result of that compromise.

Q. But what you call the People's ticket, put into the field at this last election, was that put into the field by a convention?—A. No, sir; that was not. The citizens memorialized or petitioned the candidates to continue the use of their names before the people, and they were re-elected.

Q. Do you know where those petitions are?—A. No, sir; I do not. I saw it in the press.

Judge KIRK. We can furnish you the names.

The WITNESS. I saw the names of the parties in the paper. I saw both Radicals and Democrats, and so forth.

Mr. SPOONER. It is understood that this witness is at liberty to return to his home on account of sickness in his family. Is that the understanding?

Mr. EUSTIS. Yes, so far as we are concerned.

The CHAIRMAN (to the witness). You are discharged, then, from further attendance.

The subcommittee then took a recess until 3 o'clock p. m.

The recess having expired, the subcommittee resumed its session.

TESTIMONY OF LEWIS P. PENNINGTON.

LEWIS P. PENNINGTON (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. Where do you live?—Answer. In Washington County, Texas.

Q. How old are you?—A. I am twenty-seven years old.

Q. How long have you lived in Texas?—A. I was born there and raised there.

Q. How long have you lived in Washington County?—A. I was born in Washington County.

Q. What part of Washington County do you live in now?—A. I don't know the precinct. I think it is precinct No. 1; isn't it, Mr. Hackworth?

Mr. HACKWORTH. It is precinct No. 3.

Q. At what polling place do you vote?—A. I vote at Flewellen's.

Q. At what is called Flewellen's voting place?—A. Yes, sir.

Q. That is in justice's precinct No. 1. What is your business?—A. I am farming.

Q. Do you own land there?—A. No, sir.

Q. Are you a man of family?—A. Yes, sir.

Q. Have you a wife and children?—A. Yes, sir.

Q. What are you in politics?—A. Well, I am a Republican.

Q. You had a general election at your polling place last November?—A. Yes, sir.

Q. It was on the 2d of November?—A. Yes, sir.

Q. Were you there that day?—A. Yes, sir; I was.

Q. At the Flewellen polling place?—A. Yes, sir.

Q. Were you one of the officers of election?—A. Yes, sir; I was.

Q. Will you tell the committee what happened there that day? First, what office did you hold in connection with the election?—A. I was judge of the election.

Q. Presiding judge?—A. I was one of the judges of election.

Q. Now, tell the committee, if you please, in your own way what happened there that day.—A. Well, during the day the election went on very quietly and up until about 11 o'clock in the night, when there was some men came in at the back door. They knocked at the door, and there was a man sitting there by the name of Polk Hill, and when they knocked he got up and walked out at the north door, and Mr. Robinson said to them when they knocked the second time, he said, "Come in," and they threw the door open and came right in, and three of them presented pistols right on us who was around the table, and says, "Hands up," and "give up that box." Mr. Robinson jumped up said, "Boys, don't do that, don't do that," and about that time there was a gun fired. I had then got away from my seat to get out of the house, and just before I stepped to the door this man fell that got killed, Mr. Bolton, he fell right at my feet, and the pistol struck the floor within 6 or 8 inches of my foot, and it scared me, and I sort of jumped behind the door, and staid there for about three minutes, until the shooting was over, and then I walked out.

Q. What were you doing when these men came there?—A. I had the box of counted tickets, and I was looking for No. 288 ticket. There was a mistake made in the number of two tickets, and Mr. Robinson said to me, "Lewis, look in that box there, the counted box, and see if you

see the other 288 ticket there, and hand it to me from the box." That was handed to me, and he told me to hold that and look for the other one, and as I was doing so these men came to the door.

Q. Who was in the room when these men knocked?

The WITNESS. Besides the officers?

Mr. SPOONER. No. Name the officers who were there.

A. Mr. Robinson, Mr. Calls, Mr. Wright, Mr. Rodgers, and myself, and Tom Jones, and Felix Kinlaw, and Andy Hayes—

Q. Name the officers first.—A. Mr. Rodgers was in there; he was not an officer. The officers were Mr. Robinson, Mr. Calls, Mr. Wright, Tom Jones, and myself.

Q. How many of you were colored men?—A. Two of us.

Q. In addition to the officers, who were there?—A. Shad Felder, Andy Hayes, and Felix Kinlaw. I believe that was all.

Q. Colored men?—A. Yes, sir; they were colored men.

Q. Did you notice these men when they came in?—A. I did not just as quick as they got in; I did not notice them; I was not thinking anything about it, and did not pay attention to them when they first came in.

Q. But you saw them after they came in?—A. Yes, sir; and before they shot.

Q. Were they in disguise?—A. They had on handkerchiefs over their faces so that a man could not see their faces, and white hats, and slickers on; large white hats and these slickers on.

Q. What do you mean by slickers?—A. I mean overalls.

Q. Did you recognize any of them?—A. No, sir; I was not acquainted with any of the people in that settlement.

Q. Was the man who was shot the man who demanded the ballot-box?—A. I could not tell you which one demanded it. They came in abreast. They just threw the door open and every man just filed in.

Q. You say they were armed?—A. Yes, sir; they were armed. I saw three pistols.

Q. What did they say; anything else except this demand that you surrender the ballot-box?—A. That was the only word I heard used.

Q. How long was that before the shooting was done?—A. Right immediately.

Q. How many votes were polled there that day?—A. One hundred and fifty-nine.

Q. How many of these were Republican votes?—A. About 85.

Q. How many colored men voted that day?—A. I do not know, sir.

Q. How many of those votes were Republican?—A. About 85.

Q. How many altogether?—A. One hundred and fifty-nine.

Q. You are sure you are right about the number of Republican votes cast?—A. I am not sure of it, of course. They were not counted.

Q. Who had the most, the Republicans or the others?—A. The Republicans were in the majority.

Q. How much of a majority, about; we do not expect you to give it to a vote, but about how much?—A. It is just a guess; I cannot identify it positively, but I think 85 to 90.

Q. You mean 85 or 90 Republican majority?—A. Yes, sir.

Q. This precinct is in what is called the "Black belt" or "Black district"?—A. Yes, sir.

Q. Do you know whether the votes cast at that polling place were counted at the county seat at that election? A. I do not.

Q. Do you know what became of the box?—A. No, sir.

Q. Do you know now who those men were, either of them?

The WITNESS. The men that came there?

Mr. SPOONER. Yes, the men who came in to raid the ballot-box.

A. The one that was killed was Dewees Bolton; that was the only one I knew.

Q. You did not know any of the others?—A. No, sir.

Q. Was there any effort made there, that you ever heard of, to detect or discover who they were or to bring them to justice?—A. No, sir.

Q. What became of the colored men who were in there with you when these men came in?—A. They ran out.

Q. Where are they now?—A. One of them is dead; he was hung.

Q. Which was that?—A. Shadrach Felder.

Q. Who else was hung; there were three men hung, were there not?—A. Yes; a fellow named Ephriam Jones and Alfred Jones.

Q. Were they there that night?—A. No, sir. Ephriam Jones was there, but Alfred Jones was not to my knowing.

Q. When were they hung; about a month later, were they not?—A. Yes, sir; on the 2d or 3d day of December.

Q. Who was in the room before these men came in there; did any one come to the room?—A. Yes, sir; Judge Kirk came in there.

Q. How long before these men came into the room, these raiders, as I call them; was it before Judge Kirk came there?—A. As near as I can get at it, it was half past 11 o'clock when he left there.

Q. When who left there?—A. Judge Kirk; and about 12 o'clock these men came in.

Q. Then you think it was about half an hour after Judge Kirk left when these men came in?—A. Yes; half to three quarters of an hour.

Q. Where does Judge Kirk live?—A. At Brenham.

Q. How far is Brenham from this Flewellen poll?—A. It is said to be about 15 miles.

Q. Had Judge Kirk been there about the polls during the day?—A. Not that I know of.

Q. You do not remember to have seen him, then, that day or evening until he came into the room?—A. No, sir.

Q. What did he want there?—A. He just came in and asked the boys how they were getting on and how they were running, and taken a look over on the list on the tally sheet, and mentioned something about some one being—he called the names of some, and how they were running, but I never paid much attention to it and I do not recollect them exactly. But I noticed that he looked on the tally sheet and said something about Charlie Herbst and Jim Hewitt; that Herbst had 18 and Hewitt 44, or something like that; I do not recollect it.

Q. Who was Hewitt, the colored republican?—A. Yes, sir.

Q. Who was the other man, Herbst?—A. He was a democrat.

Q. You heard Judge Kirk when he looked over the list speak those names and state the number votes that each had received?—A. Yes, sir.

Q. As it appeared then on the list?—A. Yes, sir.

Q. You had not finished your count then?—A. No, sir.

Q. You had been counting very slowly during the evening?—A. Yes, sir; we counted very slowly. We counted some few republican tickets first, and they were so straight that Mr. Robinson said "we will count those tickets that are mixed up, scratched up, first, and when we get through with them we will go along with the republican tickets."

Q. Did any one go out of the room with Judge Kirk?—A. Yes, sir; Mr. Robinson did.

Q. How did he happen to go out with him?—A. The judge told him he wanted to see him a minute?

Q. Judge Kirk told Mr. Robinson that he wanted to see him a minute?—A. Yes, sir.

Q. Was that before or after he had examined the poll-list?—A. I do not recollect. I think it was afterwards.

Q. Robinson was the presiding judge, was he?—A. Yes, sir.

Q. What were his politics?—A. He said that he did not have time to go out, that he was busy there and could not leave, and he said "appoint Rodgers."

Q. Judge Kirk said that?—A. Yes, sir.

Q. That is, to keep that place while he was gone?—A. Yes, sir.

Q. So that after having appointed Rodgers in obedience to Judge Kirk's advice he went out, did he?—A. Yes, sir; but he did not appoint Rodgers.

Q. Who did he appoint, anybody?—A. No, sir.

Q. But he went out?—A. Yes, sir.

Q. How long was he gone?—A. Not more than three minutes.

Q. Did he have conversation in that room with any other officer of the election?—A. Not that I know of.

Q. Did he with Mr. Rodgers?—A. He went to the bed where Mr. Rodgers was lying down; but I did not notice them.

Q. Did he hold a whispered conversation with Mr. Rodgers?—A. If he did I did not see him.

Q. You do not know that?—A. No, sir.

Q. Was Mr. Rodgers an officer of the election at the polls?—A. I did not exactly understand it. He was the man who had appointed me as one of the judges, but after that Robinson taken possession, and I do not know who really the head man was.

Q. Was Rodgers either a judge or clerk, or was he connected with the election as an officer at all?—A. No, sir. I think the box was signed in Rodgers' name, but after it got out there he got Robinson to take his place.

Q. How long after this conversation outside between Robinson and Judge Kirk was it before these gentlemen in masks made their appearance?—A. It was between half and three-quarters of an hour.

Q. Have you stated all that happened that you recollect, after they came in and before they left?—A. Yes, sir; that is all I can recollect.

Q. When were you there next, in that room?—A. The next morning.

Q. Was the body of Bolton still lying there, or had it been removed?—A. It was late in the day when I got there, about 9 o'clock, and it had been removed.

Q. What sort of hats did these men wear?—A. They had white hats.

Q. Large or small?—A. Large white hats.

Q. All of them?—A. Yes, sir.

Q. How many of them were there?—A. I saw three.

Q. You do not know whether there were others?—A. No, I do not know whether there was any others or not.

Q. Did you find any of those hats there the next day?—A. I saw one hat of the same description lying under the bed the next morning.

Q. You do not know who it belonged to?—A. No, sir.

Q. Had there been any talk there that day about violence?—A. None that I knew of.

Q. Had there been any reference to the Chapel Hill occurrence of two years before?—A. Yes; there were some words of that sort spoken.

Q. Who spoke it?—A. I do not recollect who it was; but there was some of them spoke a word, and one of them said, "I would like for them to run in on us to-night, as they did at Chapel Hill two years ago." I do not recollect who it was spoke it.

By Mr. EUSTIS:

Q. What do you say was the number of votes altogether cast there?—A. One hundred and fifty-nine.

Q. How many of those were Republican votes?—A. Eighty-five or 90.

Mr. TELLER. Do you mean 85 or 90 Republican votes or 85 or 90 majority?

Mr. EUSTIS. That is what I am trying to get at; he said it both ways.

Mr. SPOONER. He is a little mixed about that. (To the witness.) How many votes had you counted?

The WITNESS. Sixty-nine.

By Mr. SPOONER:

Q. How many of those were Republican votes?—A. I do not recollect.

Q. About how many?—A. I think there must have been 50 of them Republican.

By Mr. EUSTIS:

Q. You had counted how many votes?—A. We had counted 69 votes.

Q. How many of those were Republican?—A. About 50.

Q. And the other 100 votes, what were those?—A. I do not know; I could not tell you what they were; we had not counted them.

Q. So you do not know what was the relative vote that had been cast, do you?—A. Well, the Republicans had the majority.

Q. I do not ask you that; I ask you whether you knew what the relative vote was that was cast? You say you knew that there were 159 votes cast?—A. Yes, sir.

Q. Do you know what the relative vote between the two parties was; do you know how many of those 159 votes were Republican and how many were the People's ticket?—A. Well, 85 or 90.

Q. Of these 159 votes there were 85 or 90 Republican votes?—A. Yes, sir.

Q. And the balance were what?—A. Democratic votes.

Q. The People's ticket?—A. Yes, sir; the People's ticket.

Q. I will read you the statement that you made at the coroner's inquest, which was also made under oath, and I will ask you whether it is true or not. (Reading.) "Testimony of Lewis Pennington, duly sworn. I was one of the judges of election held on the second day of November, 1886. The election was going on quietly and orderly. I was busy counting votes when somebody knocked on the door. At the same time Polk Hill got up from his seat and ran to the door. I do not know who did the shooting which took place about 11 o'clock p. m. Outside of the officers of the election there were present in the room Chad Felder, Andy Hayes, Felix Kinlaw. And Polk Hill went out of the door." And upon re-examination you made the following statement: "Statement of Lewis Pennington, being re-examined. I did not see anybody coming in the door disguised with a pistol in hand. I was sitting close to the fire-place in plain view of two doors." Is that statement correct?—A. No, sir; that was not correct.

Q. Say in what respect it is not correct?—A. Well, there was double-barreled shot-guns and six-shooters around there until I was naturally afraid to tell the truth.

By Mr. SPOONER :

Q. You mean at the inquest?—A. Yes, sir; at the inquest.

By Mr. EUSTIS:

Q. Is that all the correction you want to make?—A. Yes, sir; that is all that kept me from telling it the way it was.

Q. I am speaking of the correction.—A. I do not understand you.

Q. Who did you see armed there?

The WITNESS. That day?

Mr. EUSTIS. That night.

The WITNESS. At the election?

Mr. EUSTIS. About 11 o'clock at night, when this disturbance commenced. You say you saw many guns and pistols.

Mr. SPOONER. No; you are mistaken. He says these guns and pistols he saw were on the day of the inquest, and that he was frightened.

Mr. EUSTIS. Oh, I misunderstood him.

By Mr. EUSTIS:

Q. Was Polk Hill in the room at the time that knocking took place?—A. Yes, sir. When they first knocked Polk Hill walked out.

Q. He was there when they first knocked?—A. Yes, sir; he was in the house when the first knock was made.

Q. Was he not armed?—A. If he was it was more than I know. I was not allowed out of the house and did not go out of the house.

Q. Did you see Shad Felder there?—A. Yes, sir.

Q. Was he armed?—A. No, sir; not that I know of.

Q. Andy Hayes, was he armed?—A. He came there that morning—

Q. I speak of the night, at the time of this disturbance.—A. No, sir; not that I know of.

Q. Felix Kinlaw, was he armed?—A. No, sir; not that I know of.

Q. Were these four men whose names I have mentioned here all colored men?—A. Yes, sir; they were colored men.

Q. Were you present at the shooting?—A. Yes, sir.

Q. Were you in the room?—A. Yes, sir.

Q. Who did the shooting?—A. I do not know, sir. The shooting was not in the same room I was in. The shooting was done from the outside of the door.

Q. There was no shooting inside of the room?—A. Well, a gun might have been poked in the room from the door, but from where the shot was I could not see the man.

Q. Did you not see anybody in sight shoot?—A. No, sir.

Q. How long did you stay there?—A. No, longer than I could get out.

Q. I know that, but how long was that?—A. The time was so short I could not limit it.

Q. How many shots did you hear fired?—A. It appeared to me there were three shots made.

Q. Who was hit?—A. Bolton was one; he was the only one I know of.

Q. Who was Bolton, a white or a colored man?—A. He was a white man.

Q. How long after Bolton had come into the room before the shooting begun?—A. Well, he just got in the door good.

Q. Just as Bolton got in the door the shooting began?—A. Yes, sir; just as he got in the door and said "hands up," and "give up that box." Before I could get from where I was sitting, out, a shot was made. Just as I got up and started the shot was made and he fell.

Q. The shot killed him?—A. Yes, sir; he fell right towards me. I sort of jumped back, and the pistol fell on the floor right within 8 inches of my foot.

By Mr. TELLER:

Q. You mean Bolton's pistol?—A. Yes, sir.

By Mr. EUSTIS:

Q. That was the first shot that was fired?—A. Yes, sir; the first shot that was fired.

Q. The shot which killed this Bolton?—A. Yes, sir. I cannot say I am positive about that. I cannot tell really where the shot was first, but that was the first man I seen fall.

Q. You say that he fell right at your feet? Can't you tell whether that was the first shot or not that you heard?—A. Yes, sir; I am satisfied it was the first shot; that is, I believe it was the first shot. I am not positive. They were hustling around in the house until a man could not tell hardly what was going on.

Q. How far were you from him?—A. I guess I was within about 4 feet of him just as the shot was made.

Q. Which way were you looking?—A. I was going out, aiming to get out, but the people were dodging around so trying to get out that I was sort of at a stand as to which way to go.

Q. Can't you remember how many shots you heard?—A. No, sir.

Q. Who did you see with arms there; what persons did you see armed in that room?—A. None but those that came in there, that I saw.

Q. How many were there?—A. Three of them.

Q. You say they were disguised?—A. Yes, sir.

Q. You could not recognize them at all?—A. No, sir. In fact, I was not acquainted with any of the people in that settlement; I did not know any one of them. I just moved into that country that year, and had been there about ten months before the election took place, and I had not visited around the country and had not found out any of the white people around there.

Q. Did you see Bolton's dead body the next day?—A. No, sir.

Q. How did you know which one of those three men was Bolton?—A. I was only told that he was.

Q. You didn't know it?—A. No, sir; I didn't know him.

Q. You say the election had been quiet all day?—A. Yes, sir.

Q. And orderly?—A. Yes, sir.

Q. Do you know a man by the name of Gilder?—A. Yes, sir.

Q. Do you know a man named Lockett?—A. Yes, sir.

Q. Are they white or colored men?—A. They are white men.

Q. Did you see them the day of the election?—A. Yes, sir.

Q. Were they much of the time, a long time, at that place?—A. I do not know, sir. I was one of the judges, and I was busy and never paid much attention to the crowd. There was a great crowd around there before noon.

Q. Were they not around there all day?—A. No, sir. Mr. Gilder left there somewhere between 2 and 3 o'clock, and I do not know when Mr. Lockett went off.

Q. Was there much scratching of the tickets at this election?—A. There was not much scratching on the Republican tickets.

By Mr. SPOONER:

Q. Do the colored men there generally vote the Republican ticket?—

A. Yes, sir; when they are not scared up to vote for the People's ticket.

Q. You say that in your testimony at the inquest you did not state that these men were in disguise, and all the facts about it, because you were afraid.—A. Yes, sir.

Q. Was there great excitement there?—A. Yes, sir; I should think there was.

Q. A good deal of talk about a nigger insurrection and a race war?—A. I could not state anything about that. There were too many guns and six-shooters there for me.

Q. At the inquest?—A. Yes, sir.

Q. Did you hear of other ballot-boxes being raided that day?—A. No, sir.

Q. Or that night at the time of that election?—A. No, sir.

Q. Didn't you hear about the Graball box?—A. No, sir.

By Mr. EUSTIS:

Q. Do you know whether Gilder and Lockett are Republicans or not?—A. No, sir; I do not.

Q. Do you not know they were working for the Republican ticket that day?—A. If they were, it was more than I knowed.

Q. You said you had one of the boxes in your hand at the time this shooting commenced?—A. Yes, sir.

Q. What did you do with it?—A. I set it on the table.

Q. What were these colored men who were not officers of the election doing in that room at that time?—A. Well, just sitting down talking and going on in a lawful, quiet way.

Q. How long had they been in there?—A. They had been in there ever since—in the evening we moved from where we had the election, into Mr. Flewellen's dwelling house, and we moved at 6 o'clock and they were in there with us from 6 o'clock up to that time.

TESTIMONY OF FELIX KINLAW.

FELIX KINLAW (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. How old are you?—Answer. About twenty-four, as near as I can guess.

Q. Where do you live?—A. In Texas.

Q. In what county, Washington County?—A. Yes, sir.

Q. How long have you lived there?—A. Ever since I was born. I was born right there.

Q. What do you do there for a living?—A. I am farming.

Q. Have you a family?—A. Yes, sir.

Q. A wife and children?—A. Yes, sir.

Q. Where do you vote there, at what polling place?—A. At Flewellen's.

Q. What are your politics; are you a Republican or a Democrat?—A. I am a Republican.

Q. You had an election there last November?—A. Yes, sir.

Q. On the 2d of November?—A. Yes, sir.

Q. Were you there election day?—A. Yes, sir.

Q. Were you there during the whole time at the polls?—A. Yes, sir.

Q. Which is in the majority there, the colored or the white men as voters at that polling place?—A. I could not really tell you.

Q. Who has the most votes, the white or the colored men?—A. I could not tell you.

*Q. I mean Republicans or Democrats; which comes out ahead at that polling place, the Republicans or Democrats, generally?—A. The Republicans, I think.

Q. A good deal ahead?—A. Yes, sir.

Q. That is a pretty strong Republican polling place?—A. Yes, sir; you bet it is.

Q. The voting went on all day quietly?—A. Yes, sir; it went on quietly.

Q. The colored men voted as usual?—A. Yes, sir.

Q. Where were you in the evening after the polls closed?—A. I was around there.

Q. Were you in the room where they were counting votes?—A. I was; yes, sir.

Q. How long were you in that room?—A. I was there pretty much plumb till I had to get out.

Q. Did you go in when they commenced counting?—A. Yes, sir.

Q. And staid until you had to come out?—A. Yes, sir; I did.

Q. When did you have to come out?—A. Well, I runned out when I did come.

Q. Tell us about it.—A. Well, there was some men came in the back door and one flings down a pistol and said, "Hands up," and when they said "hands up" I flew.

Q. How many men were there?—A. As near as I can recollect there was about four.

Q. How were they dressed?—A. They had on these yellow slickers, all buttoned up.

Q. Do you mean oil-cloth coats?—A. Yes, sir; all buttoned up, and handkerchiefs across here [indicating his face] and hats pulled down over their faces.

Q. What sort of hats did they have on?—A. Two of them in front had sort of white hats on.

Q. Did you say that they had pistols?—A. Yes, sir; they did.

Q. You did not stay long?—A. No, sir; I moved from there.

Q. Did you know who they were?—A. No, sir; when they came in I did not know.

Q. Who was there with you?

The WITNESS. In the room?

Mr. SPOONER. Yes, I mean besides the officers of the election.

A. Andy Hayes was in the room and Shad Felder was in the room outside of the office, and Polk Hill.

Q. Shad Felder was there, was he?—A. Yes, sir.

Q. Were you armed?—A. No, sir; I did not have any arms at all.

Q. Was Shad armed?—A. No, sir; not that I know of.

Q. You saw no arms?—A. No, sir.

Q. You knew Shad Felder?—A. Yes, sir; I was well acquainted with him and partly raised with him.

Q. When did you go back to that room?

The WITNESS. After that occurred?

Mr. SPOONER. Yes.

A. I never went back until they came out and carried me back.

Q. The next day?—A. Yes, sir.

Q. As a witness?—A. Yes, sir.

Q. Were you arrested?—A. Yes, sir; I was arrested.

Q. Who else was arrested?—A. To my knowing, Shad Felder was arrested.

Q. How many of you were arrested and put in jail?—A. Eight of us.

Q. Who were they?—A. Shad Felder, John Glass, Stephen Jackson, Ephraim Jones, Felix Kinlaw, Andy Hayes, and William Davis.

Q. All colored men?—A. Yes, sir; all colored.

Q. What were they charged with—what were you all charged with?—

A. I could not tell you what they put us in there for.

Q. You had not done anything, had you?—A. Hadn't done a thing, sir.

Q. How long did you stay there in jail?—A. We staid in there four weeks and two days, I think it was.

Q. What became of Shad Felder?—A. They killed him. They took him out of jail and when he came back he was dead.

Q. Where was that?—A. At Brenham.

Q. Who took him out?—A. I could not tell you who it was.

Q. A crowd of men?—A. Yes, sir.

Q. Were you in jail at the same time?—A. Yes, sir; right in the same cell with him.

Q. Were these men in disguise who came and took him out?—A. Yes, sir; they were.

Q. What did they say to him?—A. They came to the door, and we had our coats hanging up over the door, and the blanket, and they took a gun and jerked them down and pushed the blanket and coats from over the front side of the door and peeked in, and asked who was this in here, and being frightened we would not say anything at first. Then when they spoke again we commenced telling our names, and then they unlocked the cell and came in.

Q. What did they do then?—A. They came in and said, "Where is Shad?" I said, "There he is," and they tied him, and then they asked "Which is Stewart?" and we said, "There he is," and they tied him, too.

Q. Was he in the same cell?—A. Yes, sir.

Q. What else happened?—A. That is all. They just carried them outside of the cell and locked it back up.

Q. Who else did they take out and hang?—A. They took out Alfred Jones. He was not in my cell.

Q. Was he in the next cell?—A. Yes, sir; in the next cell.

Q. Was he related to Stewart Jones?—A. No, sir; he was my father-in-law.

Q. This Alfred Jones, was?—A. Yes, sir.

Q. What time in the night was this?—A. Before they went out the city clock struck one.

Q. How many men were there?—A. There were about seven, I think.

Q. That came into the jail?—A. Yes, sir.

Q. Were there any more men outside, as seemed from the noise?—A. I heard the jailor say there was about fifty or sixty.

Q. How long did you stay in jail then, after that?—A. The next day I came out, about half an hour by the sun, the next day after that night.

Q. How did you get out?—A. While I was in the jail Mr. Langham, the sheriff, brought my bond; Mr. Dodd, a cousin, was on my bond, and he brought it down to the jail and turned me out.

Q. They let you out on a bond?—A. Yes, sir; on a bond signed by my brother and father and cousin.

Q. Who attended to that?—A. To the bond? I do not know who it was. He brought it down to the jail house, Mr. Langham did, and then he told me who was on my bond.

Q. What sort of bonds did the other ones give who went out?—A. I could not tell you; I never went to the court-house.

Q. Did you ever have any talk with anybody about it?—A. No, sir.

Q. Did you ever hear anybody talk about it?—A. No, sir.

Q. Did you hear Judge Kirk say anything about it?—A. Yes, sir.

Q. When did you hear him say anything about it?—A. The same evening I came out.

Q. That was the evening after the hanging?—A. Yes, sir; he said he tried to get us boys a bond, but we had listened to Mr. Jodone, and now the three of them were hung.

Q. He had tried to get them out on their bonds?—A. Yes; and they had followed Mr. Jodone's advice, and now they were hung.

Q. Were there any legal proceedings pending at that time to get you all out, including these men who were hung?—A. I believe so.

Q. There was a lawsuit pending at the time you had asked Mr. Jodone to try and get you out through the court?—A. Yes, sir; I believe so.

Q. Did you see these three men after they were hung?—A. Yes, sir; they were brought back and put in the lower part of the jail house.

Q. How long had you known Shad Felder?—A. I had known him all my days; I was partly raised with him.

Q. How long had you known Stewart Jones?—A. He is my first cousin; I had known him all my days.

Q. How long had you known Alfred Jones?—A. I had known him about twelve years; I married his daughter.

Q. Do you know whether either of these men were armed on election day, or election night?—A. No, sir; not that I know of.

Q. Had they any weapons or arms?—A. No, sir; not that I know of; not that I recollect.

Q. What had they done?—A. They had not done anything.

Q. Did you hear of any other ballot-boxes being raided, or polling places being raided, that day or night, in that district?—A. Yes, sir; I heard of them.

Q. Where?—A. At Graball's.

Q. Is that a strong Republican polling place, too?—A. I don't know. I don't visit down there at all, but I heard it was taken; I heard that.

Q. That is a strong Republican voting place, is it not?—A. Yes, sir.

Q. What others were raided on the same day, any?—A. I did not hear of any at all.

Q. Before these masked men came in at Flewellen's did any one come there?—A. Yes, sir.

Q. Who was it?—A. Mr. Kirk.

Q. This gentleman here (indicating Judge Kirk)?—A. Yes, sir.

Q. What did he do there?—A. He came there and said, "Boys, how are you getting along?" and some one said, "We are getting along very well," and he went there and looked over the tally, looked over where they were counting and then went to the door and came back and called Mr. Robinson out and told him to step there, he wanted to see him a minute, and went on out of doors.

Q. Did you see Judge Kirk any more?—A. No, sir; he didn't come back.

Q. How long was it after that before these men came in there?—A. As near as I can get at it it was about half a hour.

Q. Did Judge Kirk have any talk with anybody in the room, any private, quiet talk?—A. He went back to the bed and was talking to Mr. Rodgers, but I didn't hear what he said. Then he called Mr. Robinson out of doors.

Q. Who is Mr. Rodgers; he is not an election officer?—A. No, sir; he was just sitting there, lying down.

Q. Is he a Democrat or a Republican?—A. I don't know what he is; a Democrat, I guess.

Q. Did you hear anything from the crowd when you were taken up from the jail as to what you are being held for, or were you told what you were being kept in jail for? Do you remember Mr. Gibbons saying anything to you about what you were taken to jail for, or one of the guards saying anything to you about what you were arrested for as you were being taken to jail?—A. No, sir; not that I remember.

Q. Or how long you would be kept there?—A. No, sir; they didn't tell me how long I would be kept there.

Q. Did they say anything about your being taken there to be kept as witness?—A. Yes, sir.

Q. Who said that?—A. I do not know the white man's name.

Q. Did he say you were being taken there to be held as witnesses?—A. Yes, sir.

Q. And would be let out as soon as you testified?—A. He didn't say "let out," but he said he put us in jail for a witness.

Q. Against who; against anybody, did he say?—A. He didn't say against whom, only just as a witness.

By Mr. EUSTIS:

Q. Who killed Mr. Bolton?

The WITNESS. Do you mean Dewees Bolton?

Mr. EUSTIS. Yes; who killed Bolton?—A. It was Polk Hill killed him.

By Mr. SPOONER:

Q. Did you say that he killed him, or that you heard that he killed him; what did you say?—A. I say Polk killed him.

Q. Do you mean that you saw Polk kill him?—A. No, sir; I never saw him kill him.

By Mr. EUSTIS:

Q. I will ask the question again. Who killed Mr. Bolton?—A. I heard that Polk killed him. I was in the house.

Q. Do you mean Polk Hill?—A. Yes, sir.

Q. When you say Polk, you mean Polk Hill?—A. Yes, sir; I mean Polk Hill.

Q. Did Polk Hill ever tell you that he killed him?—A. Not as I remember of, he didn't.

Q. Didn't he tell you that he had killed a man and laugh when he said it? Isn't that what you swore to at the coroner's inquest?—A. I am thinking over it now.

Q. Well, just think over it.—A. Yes, sir, he said so.

Q. Where did he get the gun to shoot Bolton with?—A. I don't know where he got the gun from. I didn't see him get the gun from nowhere.

Q. What did Polk Hill do when he got up and ran to the door; did you see where he picked up his gun?—A. He went outside of the door. I did not see which way he got his gun.

Q. Did you see him pick up his gun off the gallery?—A. I don't know whether his gun was on the gallery or not.

Q. Did you not, at the coroner's inquest, say this: "that Polk Hill was sitting near me, and as soon as somebody knocked at the door, Polk Hill got up and ran to the opposite door and picked up his shotgun, which was out on the gallery"?—A. Well, I don't know what I was allowed to swear, but I am telling you just how it is. I was scared, and I didn't know I talked then. I was scared, and I had a right to be scared.

By Mr. SPOONER:

Q. You mean at the inquest?—A. Yes, sir.

By Mr. EUSTIS:

Q. You said, "I saw him. He cocked a gun and shot the deceased, and I know it was Polk Hill that did the shooting. He told me himself that he had killed a man and laughed when he said it"?—A. Well, he told me that.

Q. He told you that he had killed a man?—A. Oh, yes, sir.

Q. That you are not afraid to say now, and were not afraid to say at the coroner's inquest?—A. No, sir; I ain't scared to say that.

Q. You said that because it was true, did you?—A. Well, he told me he did it.

Q. You were not afraid to say it at the coroner's inquest; you did not say it from fear, did you?

The WITNESS. What, down there?

Mr. EUSTIS. Yes; you said it because it was true; he did tell you so, did he not?

The WITNESS. What, Polk Hill?

Mr. EUSTIS. Yes.

A. He said that he had killed a man; I didn't know who it was; I didn't know anything about him.

Q. He said he had killed a man when?—A. I could not tell you the day of the month or the night.

Q. What man did he refer to when he said he had killed a man; who did he mean when he said he had killed a man?—A. I didn't get to understand who he killed; he said he had killed a man.

Q. How came he to tell you that he had killed a man; what was he talking about?—A. I don't know.

Q. Was he talking about this disturbance at the polls?—A. I guess he was, if he killed a man.

Q. Is that what you and he were talking about, this disturbance at the polls? What were you talking about when he said he had killed a man; was it this row that was at the polls then?—A. Yes, sir.

Q. And you were talking about a man being killed there?—A. That was the same night.

Q. The same night?—A. Yes, sir.

Q. When was it that he told you so?—A. The same night when it was done.

Q. What time was it?—A. The time we left the house. I ran and he overtook me and he said "I killed a man," and ran on past me.

Q. Then, as he was passing on by you, he said that he had killed a man?—A. Yes, sir.

Q. Did you ask him who it was?—A. No, sir; I did not; I never did stop running; I went right on.

Q. Did you hear anything that night about people having guns outside?

The WITNESS. Did I hear that anybody had guns?

Mr. EUSTIS. Yes, outside.

A. No, sir; I never heard anything.

Q. Didn't you know that Polk Hill had his gun outside there on the gallery?—A. No, sir; I didn't know whether he had it on the gallery or where he had it.

Q. Didn't you know that these other colored men had their guns out there just outside?—A. I didn't know what the other colored men had.

Q. Didn't you know that they had guns outside there?—A. No, sir; I didn't know what they had. They may have had guns; I didn't know what they had. They may have had two or three of them.

Q. How long had you been in that room?—A. I had been in there all night until the killing was done. I never stepped out until that night time.

Q. What time did you go into the room?—A. About good dark.

Q. Was it in the afternoon, at night, or in the evening?—A. It was about good dark.

Q. Who was in the room when you went in there; do you remember?—A. Yes, sir; I remember.

Q. Who was it?—A. Well, Andy Hayes was in the room, and Shad Felder, and all the officers but myself.

Q. Did you come out of the room at all during the evening except when you ran out of it?—A. I went into the room at dark——

Q. I know; but after you went in at dark, did you come out at all during the evening before you ran away from there?—A. I came as far as the door and stood in the door and went back and sat down.

Q. Sat down where?—A. On a bench.

Q. On the gallery?—A. No, sir.

Q. Didn't you hear any of those men say they had their guns outside there?—A. No, sir; I didn't hear them say anything about no guns.

Q. Where were you sent when you were arrested?—A. To Brenham, and then from Brenham down to Houston.

Q. Do you remember, before you were sent to Houston, whether you had a conversation with Mr. Rodgers and Judge Kirk? Did not Mr. Rodgers and Judge Kirk call and see all of you who were arrested, in the jail, before you went to Houston?—A. Yes, sir; I believe so.

Q. Did he not tell you that you could all be bailed?—A. He told us that we ought to give bond.

Q. Did he tell you the amount you would have to give?—A. I believe that it was \$500.

Q. And did he not advise you all to give bond?—A. That was what he told us, and the next day they ran us right on off, and didn't give us time to get nothing.

Q. Did anybody advise you not to give bond, but to stay in jail? Do you remember whether Mr. Jodone advised you not to give bond, to remain in jail?—A. I am thinking over it now. [After a pause.] Yes, sir; I remember.

Q. Do you remember that he told you——

Mr. SPOONER. Let him say what he told him.

Mr. EUSTIS. I am repeating my question. [To the witness.] What do you remember that he told you? I asked you whether you remembered that Mr. Jodone had advised you colored people who were arrested not to give bond, but to remain in jail, and you say that you remember it.

A. Yes, sir.

Q. Do you remember that he did say so?—A. Yes, sir.

Q. Do you remember that Judge Kirk advised you all to try and give bail to the amount of \$500?—A. He told us we should try to get

our bond of \$500, but that was one evening to my remembrance, and the next day they carried us off and we didn't have any time to get any bond.

Q. Who carried you off?—A. I can remember two men's names; three carried us off.

By Mr. SPOONER:

Q. Who did Judge Kirk say that to? Who did he advise to get bonds; all of you?—A. All of us down there at once.

Q. Those who were hung afterwards as well as the rest of you?—A. Yes, sir.

Q. What time in the day was it that Judge Kirk advised you to give bond?—A. It was in the evening, I think, as near as I can recollect.

Q. Had you had any talk with Mr. Jodone at that time?—(No response.)

Q. Where was this talk that you had with Judge Kirk; at Brenham, was it not?—A. Yes, sir.

Q. One evening. Now, the next day, what time were you taken to Houston?—A. Yes, it was the next day.

Q. What time were you taken to Houston the next day?—A. We started from Brenham on the down train, I reckon about 1 or 2 o'clock.

Q. Had you seen Mr. Jodone at all until you got to Houston?—A. I saw him at Houston.

Q. You didn't see him at Brenham at all?—A. No, sir; I did not say I did.

Q. Then he had not given you any advice at all about this case before you went to Houston?—A. No, sir; he gave it to me after we went to Houston.

Q. He went there and had you sign the papers?—A. Yes, sir; down at Houston.

Q. But he did not give you any advice about staying in jail until after you went to Houston?—A. No, sir, until after I got to Houston.

Q. And you say Judge Kirk wanted all of you to give bond?—A. Yes, sir; before we went to Houston.

Q. These men who were hung, as well as the rest of you, to give \$500 bond?—A. Yes, sir.

Q. Did he bring the bail bond here to you?—A. No, sir; he just came down there and told us about it, to make it so.

By Mr. EUSTIS:

Q. Did you not tell Judge Kirk and Lewis Bryan that you would have given bond if it had not been for the advice that Mr. Jodone gave you not to give bonds?—A. No, sir; I did not; because that man did not come to us until we got to Houston. We were in jail, and Judge Kirk came down and told us to give bond.

By Mr. SPOONER:

Q. That was in Brenham?—A. Yes, sir; and then he came down afterwards and he told us to give bond before that man Mr. Jodone had any talk with us. That man Jodone had all his talk pretty much down at Houston.

Q. Had you ever seen Mr. Jodone until you saw him at Houston?—A. I never did in my life; I did not know him.

By Mr. EUSTIS:

Q. When did Mr. Jodone tell you not to give bail; do you remember?—A. It was down at Houston.

Q. It was at Houston?—A. Yes, sir.

Q. Did he give you any reason why he told you not to give bail?—A. He just told us not to give it.

Q. Did he give you the reason why?—A. No, sir.

Q. Did Mr. Jodone visit you in the Brenham jail after you were brought back from Houston; when you were brought back from Houston to the Brenham jail?—A. Yes, sir; and he brought us a little tobacco and one thing and another after we came back to Houston. We never staid in jail long after we came back.

Q. Didn't he then tell you again not to give bond?—A. Not as I remember; not me.

Q. Did you not tell Judge Kirk that you people would have given bond if it had not been for this advice of Mr. Jodone?—A. No, sir; I don't remember telling him that.

Q. Did you not tell him that in the presence of Lewis Bryan the next morning after the hanging?—A. I could not tell you, because I know it was a scary time while we were locked up in jail, and I could not say that I told him because I did not know my own mind that morning.

Judge KIRK. Didn't you tell me, when Bryan, myself, and the rest were talking to you in jail and asking you about the matter and who did it, that you would have given bond and got out if it hadn't been for Mr. Jodone's advice to stay in jail and not make any effort to get bond?

The WITNESS. I do not remember at all, because I was frightened at the time.

By Mr. SPOONER:

Q. But you do remember that you never saw Mr. Jodone until you went to Houston?—A. Oh, yes; I do remember that, because I had my right mind when they carried me down there.

Q. Do you know of any other case in Washington County where the county judge sent to men who were in jail charged with murder and being accessory to murder, and asked them to give bonds of \$500?—A. I never have in my life.

By Mr. EUSTIS:

Q. When these men came into the jail to take out these three men who were hung, did they tell you anything?

The WITNESS. What, those men who came up into the jail?

Mr. EUSTIS. Yes.

A. They never told me anything at all.

Q. They did not?—A. No, sir. If they did I never heard it, because I was foolish.

Q. Do you know of any reason why they did not take you out, too?

The WITNESS. Why they didn't take me?

Mr. EUSTIS. Yes.

A. No, sir; they didn't, because I was in a place I had never been in in my life.

By Mr. SPOONER:

Q. You say that you were scared at the inquest and had a right to be?—A. Yes, sir.

Q. What do you mean by that?—A. Because if I had told the truth of it I would have been——

Q. What were you frightened or scared about?—A. They were all around there with guns and pistols, and I was going to talk the best way I thought it was for me to talk, because I was alive and I aimed to live always.

TESTIMONY OF ANDY HAYS.

ANDY HAYS (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER :

Question. How old are you?—Answer. I am twenty-eight years old.

Q. Where do you live?—A. In Washington County, Texas.

Q. What do you do for a living?—A. I am farming.

Q. How long have you lived in Texas?—A. All my days.

Q. What are you, a Republican or a Democrat?—A. I am a Republican.

Q. Are you a married man?—A. Yes, sir.

Q. Have you a wife and children?—A. Yes, sir.

Q. Where do you vote?—A. I vote at Flewellen's.

Q. Were you there at the last election on November 2?—A. Yes, sir.

Q. How do the negroes generally vote at that polling place, the Republican or Democratic ticket?—A. The Republican ticket.

Q. Do you know which comes out ahead there, the Republican or the Democratic side?—A. The Republicans were in ahead this last election.

Q. Do you know how much?—A. I do not know.

Q. A good deal?—A. Yes sir; a great deal.

Q. Were you there in the evening when they were counting the votes?—A. Yes, sir; I was there in the evening.

Q. You were not one of the officers of election?—A. No, sir; I was just there sitting down?

Q. What happened there? Just tell the committee what you saw there during the evening.—A. At night? Well, I seen a man get shot.

Q. Did somebody come in there while the vote was being counted?—A. Yes, sir.

Q. How many men?—A. I reckon about four, as near as I can tell.

Q. How were they dressed?—A. Well, they had on slickers.

Q. Do you mean these long, yellow oil-cloth coats?—A. Yes, sir.

Q. What sort of hats did they have on?—A. The hats I don't remember about; they were white, I think.

Q. Did they have anything to cover their faces?—A. Yes, sir.

Q. What?—A. White handkerchiefs.

Q. So that you could not tell who they were?—A. No, sir.

Q. Had they any weapons or any arms?—A. Yes, sir.

Q. You saw them, did you?—A. Yes, sir.

Q. What did they have in the way of arms?—A. They had pistols.

Q. What did they say when they came in?—A. They came in and presented pistols and hollowed "hands up."

Q. What else?—A. They didn't say anything else. The firing was done then. They just came in and at that time one of them was shot.

Q. Then what?—A. Well, we all ran.

Q. Did one of these men fall?—A. Yes, sir.

Q. Who was in there besides yourself. I do not mean the officers of election; leave them out and tell us who was there outside of the officers.—A. I was in there, Felix was in there, and Shad was in there.

Q. When you say Felix, you mean Felix Kinlaw?—A. Yes, sir.

Q. And when you say Shad, you mean Shad Felder?—A. Yes, sir.

Q. Who else?—A. I think those were all, outside of the clerks.

Q. Do you know Judge Kirk?—A. Yes, sir.

Q. Had he been there?—A. He was there, I reckon, about a quarter or half an hour before that occurred.

Q. How far was this from where he lives at Brenham?—A. About 13 miles.

Q. What was he doing there?—A. I do not know.

Q. What did he do while he was there?—A. He came and looked over the tally sheets.

Q. Did he say anything?—A. No, sir; only he taken Mr. Robinson out of doors and talked to him awhile, and Mr. Robinson came back and he went on off.

Q. Robinson was the judge of the election?—A. Yes, sir.

Q. Was he a Democrat?—A. Yes, sir.

Q. He took him out and had a talk with him and then went off?—A. Yes, sir.

Q. Did he talk with any of the white men in the room?—A. Yes, sir; he went and talked with Mr. Rodgers, who was lying on the bed.

Q. How long after the time he was in there was it before these men came?—A. It was about a half an hour or a quarter of an hour, I reckon, as near as I can think.

Q. You went out, did you?—A. Yes, sir; I went out after the shooting started.

Q. Did you know any of those men who came there?—A. No, sir; nary a one.

Q. Did you know this man who was shot?—A. I saw him; I did not know him at all.

Q. When did you go back there in the room; did you go back there that night?—A. Yes, sir.

Q. How did you happen to go back there?—A. They arrested me that morning. I didn't go more than two or three hundred yards from the house. I feared I might get shot and I went to another house near by and went to sleep, and they came, two or three hours before day, and arrested me and carried me back there.

Q. This man was lying there dead?—A. Yes, sir.

Q. How long were you kept there in arrest?—A. I was kept there until about 6 o'clock in the evening, I reckon.

Q. How did the man look when you went in there; was he lying on the floor?—A. Yes, sir.

Q. How was his face?—A. When I first went there his face was still covered up.

Q. You do not remember what sort of hats these people had on?—A. No, sir; I do not remember the hats at all.

Q. Were you sworn that day at the coroner's inquest?—A. Yes, sir.

Q. How many of you were arrested at that time?—A. Eight of us.

Q. Who were they?—A. Shad Felder, myself, Felix Kinlaw, Steve Jackson, and John Glass. I think that was all.

Q. All colored men?—A. Yes, sir; all colored.

Q. No white men were arrested, were there?—A. No, sir.

Q. You were put into jail?—A. Yes, sir.

Q. What were you charged with, do you know?—A. No, sir; I do not know what I was charged with.

Q. Did they tell you what they arrested you for?—A. No, sir; they just taken me up.

Q. Did they say anything about your being arrested and kept as witnesses?—A. Yes, sir.

Q. Who said that to you?—A. I do not know who it was. I am not acquainted with many of the white folks that were there.

Q. Did you see Judge Kirk and have any talk with him while in jail?—

A. Yes, sir; he came there and talked with us.

Q. How long after you were put in jail?—A. The next day I think it was.

Q. What did he say?—A. He asked if we wanted bonds.

Q. All of you?—A. Yes, sir.

Q. What else did he say about bonds?—A. We told him yes, and he said we could not get any bonds because there were no Republicans able to go on our bonds, and he knowed there was no Democrats going on our bonds.

Q. Who said that?—A. The judge.

Q. How long did you stay there before you were taken away?—A. We staid there in jail a week at Brenham.

Q. And then were taken down to Houston?—A. Yes, sir.

Q. Were you in jail when the mob came there and took these three men out?—A. Yes, sir.

Q. What did you see of that?—A. I just saw the white men come there. I did not know them or anything of the kind.

Q. What did they do?—A. They came in and asked who was in the cell with us, and we told them, and they commenced tying their hands.

Q. Who did they take out?—A. Shad Felder and Stewart Jones.

Q. How long had you known those men?—A. About eleven years.

Q. What had they done to be hung for?—A. Nothing. They had always been quiet, pious citizen men ever since I had known them.

Q. Were they both Republicans?—A. Yes, sir.

Q. They took them out and hung them, did they?—A. Yes, sir.

Q. How long after that was it before you got out?—A. I came out the next evening. They were taken out one day, and I came out the next evening.

Q. Did you give bond the next day?—A. Yes, sir.

Q. Who was there when you gave bond?—A. I don't know who was there.

Q. Was Judge Kirk there?—A. I don't know whether he was there or not. He was there that day, but I don't remember seeing him when I went down to the court-house.

Q. Did he come down that day and see each one of you about giving bonds?—A. He was there that morning.

Q. The morning after the hanging?—A. Yes, sir.

Q. And that day you gave bonds and got out?—A. Yes, sir; they let us out.

Q. You went on each other's bonds, did you not?—A. Yes, sir.

Q. Did any of you have any property, any real estate?—A. I did not.

Q. Did any of you?—A. None of them had any, I think, except Steve Jackson.

Q. Is that the way you managed it; each one of you went on the others' bond?—A. Yes, sir.

Q. Did any outsiders go on the bonds?—A. Yes, sir; some outsiders; I do not know who they were; colored men, I think, up there in town.

By Mr. EUSTIS:

Q. What time did you go into that room where this killing took place? In the afternoon, evening, night, or when? I mean the place where Bolton was killed.—A. I had been there in the room all night.

By Mr. SPOONER:

Q. What time did you go there first?—A. I went there before dark

By Mr. EUSTIS:

Q. You swore before the coroner's inquest that Bolton was killed by Polk Hill.—A. Yes, sir.

Q. Is that true?—A. I never did swear who killed him. Polk didn't tell me that he killed him; I only heard that he shot him; he never told me so himself, though, for I haven't seen him.

Q. Did you have a gun that night on the gallery?—A. Yes, sir.

Q. Did anybody else have a gun on that night?—A. I do not know, sir.

Q. How came you to have a gun that night?—A. I had been hunting all that day, and I came on by the polls and voted and was going on home.

Q. Had any one else been hunting around there that day, too?—A. Well, Polk was hunting.

Q. Polk Hill?—A. Yes, sir.

Q. He had a gun, too, on the gallery?—A. Oh, yes; he had his gun.

Q. Had Shad Felder been hunting, too?—A. Not that I know of. It was late in the evening when I got there.

Q. Had anybody else there been hunting that day who had a gun that night?—A. Not that I know of.

Q. Where were you in the room when Bolton was killed?—A. I was sitting right behind Mr. Robinson, on a trunk.

Q. Were you looking towards him?—A. I did not have my face towards him exactly.

Q. Where was Polk Hill?—A. Polk was in the house awhile before the men came to the door and knocked, and after they came there and knocked he walked out.

Q. Where did he go?—A. He went out on the front gallery?

Q. What did he go there for?—A. I do not know, sir.

Q. Were you looking towards the door when the shooting commenced?—A. No, sir; I was not looking towards the door exactly.

Q. Was it generally believed among you colored people that Polk Hill killed Bolton?—A. Oh, yes, sir; that is what they all heard, and hey don't know any better.

Q. Did you ever hear of anybody else being accused or charged with killing Bolton?—A. No, sir.

TESTIMONY OF WILLIAM M. SHAW.

WILLIAM M. SHAW (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. How old are you?—Answer. I will be twenty-four in about the 8th of March, coming.

Q. Where do you live?—A. In Washington County, Texas.

Q. How long have you lived there?—A. I was raised there; all my life.

Q. What do you do for a living?—A. I am farming.

Q. Are you a married man?—A. Yes, sir.

Q. What are you in politics, a Republican or Democrat?—A. I am a Republican.

Q. At what polling place do you vote?—A. At Graball's.

Q. Were you there at the election on the 2d of November, last?—A. Yes, sir.

Q. Do you know how many votes were cast at that polling place?—
A. Three hundred and forty-seven.

Q. About how many of that number were Republican, and how many of the People's ticket?—A. I think there were about 60 for the Democratic ticket?

Q. By that you mean the People's ticket which was running at that time?—A. I mean the Democratic ticket.

Q. And the rest were Republican votes, were they?—A. Yes, sir.

Q. How many of these Republican votes were colored votes?—A. I suppose all the rest remaining were colored Republican tickets.

Q. Do you mean to say that the most of the Republicans who voted at that precinct were colored men?—A. Yes, sir.

Q. The white men were Democrats, generally?—A. Well, some few colored voted in with them. It amounted to about 60 tickets.

Q. That is, the white and colored Democrats amounted to 60 tickets?—
A. Yes, sir; and those scratched, too.

Q. And the others were straight Republicans?—A. Yes, sir; right straight through.

Q. Were you one of the officers of that election?—A. Yes, sir.

Q. What were you?—A. Judge.

Q. Presiding judge?—A. No, sir.

Q. One of the side judges?—A. Yes, sir.

Q. What happened at that election?—A. Well, the box was taken.

Q. Tell us all about it in your own way; what time of the day it was and all about it.—A. I could not exactly tell the hour, but it was about two or three hours before day.

Q. Do you mean after the polls closed?—A. Oh, no, sir; it was way after the polls was closed; it was past midnight. I mean about two hours and a half, I think, before day.

Q. The election went along quietly all day?—A. Yes, sir.

Q. Then after the polls closed you took a count of the votes.—A. Yes, sir.

Q. Who were the officers with you there that day?—A. Ed. Brown was one.

Q. Was he colored?—A. Yes, sir.

Q. Who else?—A. Ben Aubrey.

Q. Was he colored?—A. No, sir; he was white.

Q. A Democrat or Republican?—A. A Democrat.

Q. Who else?—A. There was Paul Connell.

Q. Was he a white man or a colored man?—A. A white man.

Q. And a Democrat?—A. Yes, sir.

Q. Who else?—A. There was Butcher; his first name I am not acquainted with.

Q. Was he a colored or a white man?—A. He was a white man.

Q. And a Democrat?—A. Well, he said he didn't vote for nobody; that was what he said.

Q. Who else was there?—A. And I, William Shaw.

Q. There were only two colored men, then, on that board.—A. Yes, sir.

Q. You and Ed. Brown.—A. Yes, sir.

Q. And the other three were white men and Democrats.—A. Yes, sir.

Q. What time did you commence counting the votes—when the polls closed?—A. Yes, sir.

Q. And you kept counting until 3 o'clock in the morning.—A. Yes; until about 3 o'clock in the night.

Q. Had you finished the count at that time?—A. No, sir.

Q. What made the count so slow?—A. Well, we were going along, and Mr. Connell he stated that it would be best to pick out the Democratic tickets and People's tickets, you know—those that were marked—and then after that we would tally by fives. He said that we would get along faster.

Q. So that you went through all the ballots and picked out the Democratic or People's tickets, and then picked out the Republican tickets.—A. Yes; we were on them.

Q. You were picking them out.—A. We had done tallied up these Democratic or People's tickets.

Q. Had you began to tally the Republican tickets?—A. Yes, sir.

Q. But had not finished them?—A. No, sir.

Q. Then what happened?—A. Well, the box was taken.

Q. Who took it and how was it taken?—A. I don't know, sir; but there were some white men who took it.

Q. Did the men come into the room?—A. Yes, sir.

Q. Well, tell us about it; how many men?—A. Mr. Calloway, he brought in a note and called Mr. Connell away.

Q. Who was Mr. Calloway?—A. Mr. Milton Calloway.

Q. Was he a Democrat?—I do not know.

Q. Was he a white man?—A. Yes, sir.

Q. Mr. Connell went out then, did he?—A. Yes, sir; off on the back—well fully as far, I suppose, as it is to that map at the side of the room [indicating].

Q. Then what happened?—A. Then he read a note to him.

Q. Then Calloway read a note to Connell?—A. Yes, and Mr. Connell then called Mr. Butcher and read it to him, and then brought it back and laid it on the table.

Q. Did you see it?—A. Yes; I was looking at it, but I didn't get to read it.

Q. Did you try to read it?—A. Yes, sir.

Q. Did you read any of it?—A. No, sir.

Q. What prevented your reading it?—A. He taken it up and put it in his pocket.

Q. Did he jerk it away?—A. Well, he raised up that way [indicating] and just held it up and put it in his pocket.

Q. So you had no chance to read it?—A. No, sir.

Q. What happened then?—A. About a half hour after that three men came in and taken the tickets.

Q. What was their appearance; how did they look?—A. They had something over their faces, a kind of mask.

Q. What sort of hats did they have on?—A. One had on a large white hat, and the other two had on small hats.

Q. How were they dressed?—A. I never noticed their dress. I just looked at them and saw that they were masked.

Q. Do you know who they were?—A. No, sir.

Q. Were they armed?—A. Yes, sir; they presented their pistols and said, "Hold up, hold up, hold up."

Q. What else did they say?—A. Then they grabbed the box, and Mr. Aubrey, he grabbed it and folded it in his arms in that way [indicating], and they threw out their hands and grabbed hold of the box, and punched the side of his head that way with a pistol [indicating].

Q. And took the box away from him?—A. Yes, sir.

Q. Were all the ballots in the box?—A. No, sir; I had strung a right smart of them.

Q. There were some ballots in the box?—A. Oh yes, sir.

Q. How many?—A. There were about 96.

Q. And they were all Republican ballots, were they not?—A. Yes, sir; every one right through.

Q. What did they do with the box?—A. They carried it out of doors.

Q. Did these gentlemen, these Democrats, protest at all or say anything; that is, Mr. Connell or Mr. Butcher? What did they say or do?—

A. When they taken the box, at the time they taken the box, they just disappeared outside of the door, you know, and Mr. Connell he laughed and said, "Boys, what are you going to do; I wish they had come in about two hours and a half ago and taken the box. I knowed they were going to do it anyhow."

Q. Who said that; Mr. Connell?—A. Yes, sir.

Q. You say he laughed?—A. Yes, sir; he laughed, and then jumped up and went right out as though he was going home.

Q. That was the end of that election?—A. Yes, sir.

Q. And those votes were not counted?—A. No, sir.

Q. What became of the ballots?—A. They took those, too. I had those, and they taken those too.

Q. Did you have any tally sheets?—A. Yes, sir.

Q. What became of them?—A. They taken those, too; they taken everything.

Q. Did they have horses, do you know?—A. I did not see them with any horses.

Q. You never saw those ballots any more?—A. No, sir.

Q. Nor the box?—A. No, sir.

Q. Had there been some colored people around there during the evening before this happened?—A. Yes, sir; Henry Gardner, and Wright, and a good many more were there.

Q. They were not there when this thing occurred, were they?—

A. He told me that after they taken the box (he was living at father's) how they went down the road.

Q. Had there been some shooting before this box was taken?—A. Yes, sir.

Q. How long before this box was taken?—A. That was in the first part of the night.

Q. They had frightened most of the colored people away from the polls, had they not?—A. Well, when I got out there were not many. I don't know whether they ran them off or what.

Q. How long before the morning was it when these men came into the room?—A. It was about two and a half hours before daylight.

Q. What justice's precinct, if you know, was this Graball polling place in?—A. It is precinct No. 1 at Graball.

Q. Was that the strongest Republican precinct in the county, do you know?—A. I do not know. I thought that Brenham was the strongest.

Q. It was the largest colored precinct in the county?—A. Yes, sir.

Q. That is to say, it was the principal colored precinct of the county?—A. Oh, yes, sir.

Q. You heard of other ballot-boxes being raided that day or night, did you not?—A. Yes, sir.

Q. At Flewellen's?—A. Yes, sir; at Flewellen's.

Q. And you heard of the ballot-box and tally sheets from Lott's store being stolen?—A. Yes, sir; I heard about that.

Q. These things only happened at that election in the colored precincts? You did not hear of any such a thing happening in any of the white precincts?—A. No, sir.

Q. What colored men were there at that time with you; was Ed. Brown with you?—A. Yes, sir.

By Mr. EUSTIS:

Q. How many votes had you counted when this disturbance took place?

The WITNESS. Do you mean when they came there and took the box?

Mr. EUSTIS. Yes; how many votes had you counted and entered on the tally list?

A. We had polled 347.

Q. I didn't ask you how many votes were polled. I asked you how many votes were counted and put on the tally list at the time this disturbance occurred?—A. There were 60 Democratic tickets, and they were mixed people's tickets.

Q. How many votes had the officers of election counted?—A. They had counted 60 Democratic votes, and those that they counted for the Republicans I never noticed how that was. I was stringing. Ed. Brown was doing the tallying whilst I was stringing.

By Mr. SPOONER:

Q. I forgot to ask you one question. Was Judge Kirk there that evening?—A. No, sir; if he was I did not see him.

By Mr. EUSTIS:

Q. How many votes had you counted at the time of this disturbance?—A. I do not know how many Republican votes were counted.

Q. I did not ask you about Republican or Democratic votes. I asked you how many votes you had counted altogether at the time of this disturbance.—A. We lacked 96 of counting all. I was stringing and putting them on the thread while those other men were counting and tallying up. But I would not have knowed anything about how many more was in there, except that Mr. Baldrige asked me how many there were, and then he subtracted and said there were 96 more to be counted.

Q. Up to the time you had counted who was ahead, Judge Kirk or Mr. Schutze?—A. As far as I had counted, Mr. Schutze was a little ahead, about a vote or so. The first part of the night Judge Kirk ran right along off from him.

Q. Do you remember exactly how many votes each one had got up to the time you had counted?—A. No, sir; I didn't memorize that.

Q. You say Mr. Schutze was one or two votes ahead.—A. Yes, sir; I think about one or two votes. I do not think he was any more than that; although if all the rest were Republican, he was a long ways ahead, and he would have been so if we could have finished tallying up.

Q. Who would have been, Judge Kirk?—A. No, sir, Mr. Schutze; because we taken out all the mixed tickets and Democratic tickets.

Q. Was there not a great deal of scratching on the tickets at the election?—A. No, sir; I know there were not more than fifteen men who scratched their tickets.

Q. Do you know who has that tally-sheet; whether Mr. Aubrey has it not?—A. No, sir; they taken away everything that was on the table.

Judge KIRK. Don't you know that he kept one of the tally-sheets?

The WITNESS. I do not know, sir. If he did, I never have seen it.

By Mr. EVARTS :

Q. I will ask a question. The polls closed at 6 o'clock?—A. Yes, sir.

Q. What was done with the boxes then?—A. Well, we were up-stairs counting and polling these tickets all day, and then we went out and went in a Mr. Thompson's office, and commenced counting after 6 o'clock.

Q. Did you begin counting as soon as the election was over?—A. No, sir; not immediately.

Q. When did you begin to count?—A. We began in about a half hour, or maybe a little later.

Q. At half after 6?—A. We began about half an hour afterwards. We had come down from up-stairs and gone over to the doctor's office to see about this man who got cut; that sort of bothered them before they started, and as soon as they got through with that man who was cut, when they fixed that up for him, they came on back and went on to count. They had not counted any before.

Q. Can't you tell me when you began to count—whether it was a half hour after the polls were closed that you began?—A. Yes, sir; I think it was about that.

Q. Did you keep at it?—A. Yes, sir.

Q. These men came in after midnight?—A. Yes, sir; about two hours and a half before day.

Q. Had you been there busy counting votes all this while?—A. Yes, sir.

Q. How far had you gotten?—A. We had counted all except ninety-six.

Q. Why did it take so long?—A. Well, you know different men coming up and asking questions is liable to stop you. They would tell them when they came just how we were getting along. They wanted to know just how the election was getting on.

By Mr. EUSTIS :

Q. The election there was quiet and orderly all day?—A. Yes, sir; the voting was.

By Mr. SPOONER :

Q. They let you all vote and then stole your votes?—A. Yes, sir. There was a colored man just as we came in gave us some coffee and I thought that he was gone a long ways, and he came in with these three men after they had taken the box. They went out and we sat down a moment or so and then we came on out, and he was standing there on the gallery and just stepped down off the gallery as we came out of the door. I think he must have known who they were, as he was there.

Q. You do not know who they were?—A. No, sir.

Q. Did you ever hear of any effort being made to find out who they were?—A. No, sir.

Q. Was anybody ever arrested for it?—A. No, sir.

The subcommittee then adjourned until Thursday, February 17, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *Thursday, February 17, 1887.*

The subcommittee met at 10.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF E. B. BROWN.

E. B. BROWN (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. Where do you live?—Answer. In Washington County, in the State of Texas.

Q. What is your age?—A. I am about forty-five years old.

Q. How long have you lived in Washington County, Texas?—A. In Washington County I have lived twenty-one years. I went there in the spring of 1866.

Q. How long have you lived in Texas?—A. Altogether about twenty-six or twenty-seven years.

Q. What is your business?—A. Farming.

Q. Do you own land there?—A. No, sir.

Q. At what polling place do you vote?—A. At Graball.

Q. Did you attend the general election held there on the 2d of November last?—A. Yes, sir.

Q. Were you one of the officers of the election?—A. Yes, sir.

Q. What position did you hold there?—A. I was a clerk.

Q. How many votes were cast at that polling place?—A. About 347.

Q. Do you know how many of those were Republican votes?—A. I did take the number of them. There was about 280 something; 287 I think it was.

Q. Two hundred and eighty odd were Republican votes?—A. Yes, sir.

Q. Mostly colored votes?—A. Mostly colored; yes, sir.

Q. What justice's precinct is that polling place in?—A. It is in Precinct No. 1.

Q. The same precinct that Lotts' Post-Office and Flewellen are in?—A. Yes, sir; the same precinct.

Q. That is a very strong Republican precinct, is it not?—A. Yes, sir; pretty strong.

Q. It has a strong colored vote?—A. Yes, sir; strongly colored.

Q. Who were officers at that polls on election day with you?—A. Myself and Will Shaw and a gentleman by the name of Butcher; I don't know his other name.

Q. Who else?—A. Mr. B. O. Aubrey.

Q. Who else?—A. And Mr. Paul Connell.

Q. Who of these officers were colored besides yourself?—A. Will Shaw was a colored man.

Q. And the other three were white men?—A. Yes, sir.

Q. Democrats?—A. Yes, sir; I suppose so. Butcher didn't vote neither way, but the other two were Democrats.

Q. Is Butcher a Democrat, or do you know what his politics are generally?—A. His politics mostly were Democratic, I think, but he did not vote.

Q. You mean Mr. Butcher?—A. Yes, sir.

Q. Aubrey and Connell are both Democrats, I suppose?—A. Yes, sir; they are both Democrats.

Q. The voting went on quietly all day, did it, or was there trouble?—A. Well, nobody in particular came in to bother us, but there was a heap of noise going on outside all day; rowdying and going on.

Q. Do you know what took place?—A. Yes, sir; in the evening there was a fussing and a going-on and a good deal of noise outside, but they didn't come up in the office and bother us in any way.

Q. In the evening was there any shooting there?—A. Yes, sir.

Q. After the polls closed?—A. Yes, sir; a little after 6 o'clock it occurred. Of course the rowing commenced before 6 o'clock, but the shooting was going on about 6 o'clock and continued until late in the night.

Q. Who was doing the shooting?—A. From what I saw of it, it was white people. It was a row among themselves.

Q. Did they drive off the colored people?—A. I never heard they drove off any, but a good many runned off from there; they were frightened away.

Q. There was a good deal of shooting, was there?—A. Yes, sir; a good deal of shooting.

Q. You say there was a good deal of shooting after the polls closed?—A. Yes, sir; shot off a time or two. There was some shooting done a time or two.

Q. And by white men?—A. Yes, sir; I supposed it to be them, because they was in a row after six o'clock amongst themselves; the whites was.

Q. And they frightened away a good many of the colored people?—A. Yes, sir; they left on account of it. I know that because I had some friends come there with me to vote, and they were to wait until we got through counting, and we were to go home together; and they came around to the window where I was and whispered through the window that they were so frightened and alarmed that they could not wait and would go on home, and I told them then if they would go they must go.

Q. How long after the polls closed was it before you commenced to count the votes; about how long?—A. We commenced counting the votes a few minutes after six o'clock.

Q. Was there a doctor on your board; was one of those gentlemen a physician?—A. No, sir.

Q. You went from the polling place to some doctor's office to do the counting?—A. Yes, sir; we had better conveniences in there to count. Where we was it was a little penned-up place, and of course where we went over there it was a right nice place.

Q. Were you interrupted in the count after the polls closed by some one being wounded?—A. Yes, sir; one white gentleman got wounded there by another one.

Q. Was he stabbed?—A. No, sir; he was knocked in the head with a weight.

Q. The only point about that is that it delayed you a little in getting at the counting?—A. Yes, sir; it bothered us a little.

Q. How long a time was it?—A. A gentleman came in there one time for sticking plaster, and I didn't know how to fix it, and after a little he came back after the doctor.

Q. What happened then; tell what happened with the count.

The WITNESS. Which way do you mean?

Mr. SPOONER. How did you count the ballots?

A. Along at the first we counted five on either side, five People's tickets, and tallied them, and then——

Q. Did you go through first and take out all the People's tickets?—

A. No, sir; not right at first. We went on first a little piece with both together, and Mr. Connell remarked to the presiding officer that as

there was only a few People's tickets we had better go ahead and take them out and count them all first, and then go on the others. He says: "I see from my count that the thing here is nearly solid Republican, and we had better go through with the People's tickets, and then we will have a straight run."

Q. So that you went through and picked out all the People's tickets?—A. Yes, sir.

Q. And then tallied them all in fives or tens?—A. Yes, sir; tallied them all in fives.

Q. What did you do then?—A. Then we commenced on the balance of the Republican tickets.

Q. Now go on and tell what happened. Did you keep on with your count?—A. Yes, sir; we kept on with our count until we had counted all, agreeable to my knowing, until about 96 remained. They were not counted, and at that time the box was taken.

Q. Just tell the committee all about that in your own way; describe everything that happened.—A. Well, we counted on up until we got up to that amount, and then three men walked in.

Q. Did anybody come in there before anybody came and took the ballot-box?—A. Yes, sir; we had a heap of passing in.

Q. Was any note sent in there?—A. Yes, sir; Mr. Callaway, Mr. Milton Callaway—

Q. What is he, a Democrat?—A. Yes, sir.

Q. Well, what about him?—A. He brought in a note there and called two of the officers from the table.

Q. Were they white men or colored men?—A. He called two of the white ones from the table, about as far as from here to those chairs [indicating]. We had a nice, big lamp in there, and we could see very well, and he was reading it off to them secretly. I don't know what was in it.

Q. He was reading in a low tone of voice?—A. Yes, sir; he whispered it, so that I didn't know what he said.

Q. Did one of those men bring that note and lay it down on the table?—A. Yes, sir, Mr. Butcher; he could not see good there in the rear of the table; he gave it to him, and he brought it before him just so [indicating], and spread it out and looked at it, and I was sitting like that gentleman there [indicating], and he was sitting at the head of the table, just as I am here, and looking down at it, and I sort of peeped at it; I wanted to get a chance to look at it. I don't generally do such things, but I looked that way, and he caught my eye, like, and he folded it up nicely and put it in his pocket.

Q. You did not see it?—No, sir; I never got to see what was in it. About half an hour after that the box was taken.

Q. Tell us about that?—A. Three white men came there.

Q. How were they dressed?—A. All three were dressed pretty much alike, in black suits, and had their coats all buttoned up very nicely, and something white over their faces; they had it down along here [indicating below the eyes].

Q. Did you know who they were?—A. No, sir.

Q. Did you know any of them?—A. No, sir.

Q. Were they armed?—A. Yes, sir; three of them had very large pistols and presented them.

Q. Revolvers?—A. Yes, sir.

Q. What did they do with their pistols?—A. They presented them on us and threw them down, and said, "Hold up."

Q. Did they say what they wanted?—A. No, sir; they just said, "Hold up," and we put our hands down, and I had my tally-list before me there, and the box was sitting pretty much like that stand [indicating], and they grabbed that, and then there was a great string of tickets, and they grabbed them, and grabbed my tally-sheet and Mr. Connell's, and went kind of sideways out of the door and slammed the door behind them.

Q. What did these white men do who were officers with you?—A. They said if they were going to take it, they wished they had come two hours and a half sooner, and then we would have been home asleep instead of sitting up all night for nothing.

Q. They did not resist them, did they?—A. Mr. Aubrey grabbed at it a little.

Q. But they took it from him?—A. Yes, sir.

Q. Did one of those officers laugh about it?—A. Yes, sir; they laughed.

Q. Which ones laughed?—A. Mr. Butcher and Mr. Connell.

Q. They both laughed about it?—A. Yes, sir; I do not know their intention in laughing; they may have laughed because they were scared, or something that way, like myself.

Q. How many tally-sheets do you generally make out at the election?—A. We make out three.

Q. How many had been made out at the time this thing happened?—A. I had just made out two.

Q. You are sure of that?—A. Yes, sir.

Mr. SPOONER (to Mr. Kirk). You have the tally-sheet here of that poll?

Mr. KIRK. Yes, sir; we have one; Mr. Aubrey kept the tally-sheet, and they did not get the tally-sheet that he had.

The WITNESS. They got mine.

Mr. KIRK. The clerk of the county court has the tally-sheet.

By Mr. SPOONER:

Q. How many men were outside when you went out after this box was taken?—A. There were not very many out there.

Q. Who were they who were there?—A. There was two colored men there making coffee, and one or two colored around there.

Q. Who were the others; white men?—A. Yes, sir.

Q. Democrats?—A. Yes, sir; but there wasn't very many of them out there.

Q. Has anybody ever been arrested there, that you know of, for coming in there and taking the ballot-box?—A. No, sir.

Q. Have you ever heard of any effort being made to discover the parties who did it?—A. No, sir.

Q. No reward has ever been offered to discover them?—A. I never heard of any.

Q. Has there been any inquiry by the grand jury, that you have ever heard of, into it?—A. No, sir; I never heard of any such thing.

Mr. KIRK. The grand jury has not been in session since.

Q. Did you ever see the box afterwards?—A. No, sir.

Q. Do you know what became of it?—A. No, sir; I do not know by my seeing, but I heard what became of it.

Q. What did you hear?—A. I heard by a gentleman named Osborne. I went about a mile or two from that place and staid all night; and in fact that was the same place that he lived on, and he comes up and says, "Old boy, I saw the fruits of your work last night lying on the

ground in front of the doctor's office." I said, "What was it?" and he said, "The tickets were all tore to pieces and stamped on the sand in front of your counting place." That is all I know about it.

Q. Did you see Judge Kirk there that evening?—A. No, sir; I never saw him there that day or night either.

Q. How far is this Graball voting place from Flewellen?—A. It is about 5 miles.

Q. How far from Brenham?—A. It is about 20 miles, according to our sign-board.

By Mr. EUSTIS:

Q. You say there were 347 votes cast there?—A. Yes, sir.

Q. Was that, generally speaking, a full vote, about the vote that ought to have been cast at the polls?—A. That was about what was cast.

Q. I mean does that represent about the number of voters who vote at that precinct, at that poll?—A. Yes, sir; that is what they vote.

By Mr. SPOONER:

Q. The question is, is that about the general vote—the usual vote?—A. Yes, sir; I think so.

By Mr. EUSTIS:

Q. You say there was some shooting outside?—A. Yes, sir.

Q. Was that before or after the polls were closed?—A. It was after the polls were closed.

Q. You do not know who did the shooting?—A. No, sir; I do not know exactly who did the shooting. I know who was in the fuss, but I don't know who in particular did the shooting.

Q. Up to the time the polls were closed the election had been orderly and quiet?

The WITNESS. All day?

Mr. EUSTIS. Yes.

A. No, sir.

Q. What was the disturbance?—A. Well, at the last they did not come in and bother us, but there was a row out of doors.

Q. I mean if anybody wanted to go and vote he could cast his vote as he pleased?—A. I do not think they prevented anybody from voting.

Q. They all came along and voted as they wanted?—A. Yes; they came along and voted right away. Of course there was a great deal of persuading not to do it, and all that.

By Mr. SPOONER:

Q. But every man voted who wanted to vote?—A. I think pretty nearly everybody voted like they wanted to.

By Mr. EUSTIS:

Q. How many votes did you count that Judge Kirk had?—A. Judge Kirk ran pretty well for a while, but agreeable to my memory now, if I remember right—of course Judge Kirk was beaten at that box.

Q. Beaten by how many votes?—A. I won't be positive about what I say, but it was about 25 votes, or somewhere along there.

By Mr. SPOONER:

Q. What do you mean by that?—A. I mean he was behind.

Q. On the votes you had counted, or on the whole?—A. On the whole. We had done counted every ticket that was for him, because he was on the People's ticket, and he was not on any Republican ticket.

Q. You set them aside and counted them first?—A. Yes, sir; we set the Republican tickets aside at first, and when we first started off we counted 5 People's tickets and 5 Republican tickets, and there was a sort of tangle, and they came to the conclusion that, as there was not many—

By Mr. EUSTIS:

Q. Wait a moment. How many votes had you counted up to the time of the disturbance when these armed men came to take the box?—

A. I think there was about 190 some odd; 191, I think it was.

Q. How many of these votes were for Judge Kirk; do you remember?—A. No, sir.

Q. How many for Mr. Schutze?—A. I could not tell you exactly how many was for Schutze; but I remember Schutze was in the lead. I will tell you why I can remember that Mr. Schutze was in the lead, because just before the box was taken Mr. Baldrige and Mr. Callaway came in and asked Mr. Connell who was ahead, Mr. Schutze or Judge Kirk at that place; and I remember that they counted them up by fives, tens, fifteens, and twenties, and so on, and that was about an hour probably before that box was taken, and I remember that at that time Mr. Schutze was fifteen ahead of the Judge; and a few minutes after that Mr. Baldrige came in again and said, "Boys, how are things going on; any better?" They said it was no better; and he said, "Hell, I thought we was doing better than what we are"; and he said, "That is just like what it is."

Q. Were the Republican tickets scratched, many of them?—A. No, sir.

Q. How many were there scratched?—A. There wasn't any Republican tickets scratched. The Republican ticket was a straightforward diamond ticket, and there was no scratching at all.

Q. So that the vote that Judge Kirk got represented the vote of the People's ticket?—A. Yes, sir; and on that diamond ticket there was not a scratch on it; not a scratch.

By Mr. SPOONER:

Q. This People's ticket was the ticket the Democrats voted at that election?—A. Yes, sir; that is the ticket they voted.

Q. And that is the ticket Judge Kirk was on?—A. Yes, sir; that is the ticket he was on.

Q. The Republican ticket was a straight Republican ticket?—A. Yes, sir.

Q. And Mr. Schutze was on that ticket?—A. Yes, sir; he was on that ticket.

Q. As a candidate against Judge Kirk for county judge?—A. Yes, sir.

Q. That was what you called the diamond-shaped ticket?—A. Yes, sir.

Q. Now, if I understand you, there were 347 votes cast altogether?—A. Yes, sir.

Q. And up to the time this raid was made you had counted all the tickets except 96?—A. Yes, sir; 96.

Q. Those 96 were straight Republican tickets?—A. Yes, sir; straight Republican tickets.

Q. Against Judge Kirk?—A. Yes, sir; against Judge Kirk.

Q. And on the tickets which you had counted up to the time this raid was made, Judge Kirk was fifteen behind?—A. Yes, sir.

Q. Now let us hear again about this man who came there before this raid was made and inquired especially as to how the vote stood as between Judge Kirk and Mr. Schutze?

The WITNESS. Which one of those gentlemen do you mean; Mr. Baldridge?

Mr. SPOONER. Who was it who came and asked how the vote stood as between Mr. Schutze and Judge Kirk?

A. Mr. Baldridge.

Q. What did he say; is he a white man and a Democrat?—A. Oh, yes, sir.

Q. What did he ask you?—A. He asked us how was Judge Kirk running, and how was Mr. Bolton running.

Q. He asked how Judge Kirk was running, and how Mr. Bolton was running?—A. Yes, sir.

Q. Mr. Bolton was running for county commissioner?—A. Yes, sir; for county commissioner.

Q. He was the father of this Bolton who was shot at Flewellen poll?—A. Yes, sir.

Q. This man wanted to know how Judge Kirk was running, and how Mr. Bolton was running?—A. Yes, sir.

Q. What did you tell him?—A. We told him they were both behind, and that the judge was about fifteen behind Mr. Carl Schutze.

Q. What was said again about that? They came in again to learn in regard to that subject?—A. Yes, sir; they came in again to inquire.

Q. How long after?—A. I don't think it could have been over half an hour.

Q. Was it the same man who came again?—A. Yes, sir; the same man.

Q. What did he want to know?—A. He wanted to know how things was going on, and we told him it was still going behind.

Q. Did he want to know about any particular vote when he came the second time?—A. He wanted to know how the Judge was running and how Mr. Bolton was running.

Q. And you told him their vote was getting no better fast.—A. Yes, sir; getting no better.

Q. How long was this before this man came in with a note? Was this before Mr. Callaway came in with that note and called those two white officers to read it to them?—A. When Mr. Baldridge came in the last time—you see he came in one time and went back, and when he came the last time he was in there when the box was taken.

Q. I want to know whether the last time he came in was before this note had been brought in?—A. No, sir; it was after the note had been brought in.

Q. How long after this question was asked the second time about this election was it before the raiders made their appearance and took the ballot-box and lists and tally sheets?—A. I don't think it was over 20 minutes; I don't think it could have been over that before the box was taken. When Mr. Baldridge came in the last time he staid in there.

Q. Was any question asked by this gentleman as to how the vote stood as to any other candidate on the ticket except Judge Kirk and Mr. Bolton?—A. Those are the only gentlemen he mentioned, the Judge and Mr. Bolton.

TESTIMONY OF G. A. MAYO.

G. A. MAYO (colored), having been duly sworn, was interrogated as follows :

By Mr. SPOONER :

Question. How old are you?—Answer. I am forty years old.

Q. Where do you reside?—A. In Washington County, Texas.

Q. How long have you lived there?—A. About seventeen years.

Q. What is your business?—A. I am a farmer.

Q. Do you own a farm?—A. Yes, sir.

Q. Are you a man of family?—A. Yes, sir.

Q. You have a wife and children?—A. Yes, sir.

Q. What are you in politics, a Republican?—A. A Republican; yes, sir.

Q. At what polling precinct do you vote?—A. Independence.

Q. That is in justice's precinct No. 5?—A. Yes, sir.

Q. How long have you voted in that precinct?—A. Ever since I have been there. I went there in 1869. The whole county voted at Brenham when I first went there, but I have voted there ever since.

Q. Were you present at the election at that polling place on the 2d of November last?—A. Yes, sir.

Q. Do you know how many votes were cast there?—A. Yes, sir; I think I do.

Q. How many?—A. Three hundred and twenty-nine.

Q. Do you know which party was in the majority?—A. The Republican party.

Q. How much was the Republican majority?—A. About 45 on the whole, I believe.

Q. Did you have any official connection with the election at that poll?—A. I was called in to be an inspector.

Q. You were one of the inspectors of the election?—A. Yes, sir.

Q. Engaged in discharging that duty all day at the polls?—A. Yes, sir.

Q. Were you present at the count?—A. Yes, sir.

Q. There were two tickets at that election, were there, the People's ticket and the Republican ticket?—A. There was a People's ticket, a Republican ticket, and a good many more little mixed tickets with names on them.

Q. Split tickets as they are called?—A. Yes, sir.

Q. But the main tickets were the Republican and the People's ticket?—A. Yes, sir.

Q. The People's ticket was the ticket voted generally by the Democrats?—A. Yes, sir; that contained all the Democratic candidates.

Q. When I speak of the Republican ticket I mean the straight Republican ticket.—A. Yes, sir; that was a diamond-shaped ticket.

Q. They had printed on them the names of the Republican candidates?—A. Yes, sir; in full.

Q. And the office for which each was a candidate?—A. Yes, sir.

Q. Were those tickets counted?—A. No, sir.

Q. Who were the officers of that election at that polling place?—A. Mr. George Seward was one.

Q. Is he a Democrat and a white man?—A. Yes, sir.

Q. He was presiding judge?—A. Yes, sir.

Q. Who else?—A. A colored man named Mose Bird and another white gentleman named Rouse, I forget his other name.

Q. Who else?—A. Just those three.

Q. They had two clerks, did they not?—A. Yes, sir.

Q. Who were they?—A. The other Mr. Seward and a gentleman named Burt.

Q. Were they white or colored men?—A. They are both white men, and Democrats.

Q. Then there were but two colored Republicans on the board?—A. Only one; I was called in as an inspector.

Q. What happened there about the counting of those tickets?—A. When they commenced to count, the first Mr. Seward, he wanted to put the box in a glass case and retire to supper, and I told the colored man to object, that there was no law for him to carry the box away until the tickets were counted; and Mr. Seward said he would see about it, and he went and got the law and read it and said, "All right, I will proceed to count." In about an hour or such a matter he began to count, and counted up until he reached about ten Republican tickets.

Q. That is these diamond-shaped tickets?—A. Yes, sir; and when he got up to that number—

Q. He counted ten and they were tallied?—A. Yes, sir.

Q. Had they separated the People's tickets and counted them?—A. No, sir; they counted in full. We hadn't counted any more than two or three Democratic tickets when Mr. Seward, the presiding officer, said, like I am at the end of the bench and Captain Clay there [indicating]—

Q. Who is Captain Clay?—A. A Democrat who owned a great deal of real estate there. He voted at another box, but he was present at that time.

Q. He did not vote at that polling place?—A. No, sir; not at all. He just stood there, and he said something I did not understand. I was sitting about like this gentleman over there [indicating], and Mr. Seward said, "I was thinking that myself, and I will reject them, and I will not count those tickets any further; they are not legal; I will just rule them out."

Q. Who said that?—A. The judge—the presiding officer.

Q. This Captain Clay said something to him you did not understand, and this presiding judge said, "I was thinking so myself?"—A. Yes, sir.

Q. And he said, "I will make the objection," didn't he?—A. He said, "I object to those tickets being counted any further; I will rule them out." Then everything was silent for ten or fifteen minutes, and a good many gentlemen around there—white men, Democrats—didn't like it somehow or another; some good citizens, and Mr. Williams was there.

Q. You say several white Democrats objected to their being ruled out?—A. Yes, sir; they spoke agin it.

Q. Including this Mr. Williams?—A. Yes, sir. After ten or fifteen minutes Mr. Seward said, "I will see about that," and they said "Telephone to Brenham," and he right away went over to the telephone office and he came back, and in a very high tone he says, "It is just like I said; they are flinging them out all over the county," and he spoke of a little precinct above Brenham where there was a Democratic majority up there of two-thirds, and said the diamond-shaped tickets were being flung out all over the county, and he ruled them to be flung out; and he said "We will take a vote on it." He said, "There are three of us," and looking at me he said, "You cannot vote," and I said, "I wasn't asking to vote," and he said, "If I can get another one to go

with me we will vote it out." At that time Mr. Williams and some other gentlemen stepped in and said, "There is no law for it—for the flinging of these tickets out; and the way you are mixing up things up here you will get yourself into trouble about it." Then some one said, "We will have a test." "Well," they said, "let them have a test," and Mr. Seward proceeded to vote and so did the other officers in regard to flinging them out, and the most of the board voted against it. So when I came to them they commenced to lay them out one side and I said, "I object to that. I say these tickets ought to be strung and put in that box and carried up to the commissioners' court." Mr. Seward said, "All right, we will string them." So we had a needle and we strung them, and I kept a sort of tally you know, and I was sitting there, and he said to Mr. Young, "You keep a special tally here outside, I want to see how these things run;" and Mr. Clay and Mr. Young kept that tally, and when they wound up that tally he said, "How many more of those diamond-shaped things have you got there?" and Captain Clay said, "We are near through;" and just before we got through with them Captain Cray wrote a little note and passed it to Mr. Young, and Mr. Young looked at it and he passed it to the presiding officer, and he looked at it and tore it up. And as soon as they got through the diamond-shaped tickets Captain Clay he raised up on his feet and the tally he kept, the special tally, he tore it all to pieces.

Q. That is, they counted these diamond-shaped tickets after they had ruled them out?—A. Yes, sir; counted them in the whole.

Q. And he kept tally of them?—A. Yes, sir.

Q. And then this note was passed around?—A. Yes, sir; by Captain Clay.

Q. And he tore up the record of the number?—A. Yes, sir; when the presiding officer read it he tore it up, and some man said, "You ought not to suffer that thing to be done;" and I said, "Things are too critical here; you remember Chapel Hill; I don't dare to say a word." Then some one walked in and touched Mr. Young with his walking-cane and he walked out, and the colored people commenced getting scared, thinking about Chapel Hill two years ago. I told them all to be quiet. I says, "This thing will be attended to. I don't want anybody to get hurt, so be still;" and they all kept still. Mr. Seward, after he got through counting, got up and put all the tickets into the box and said: "You see they will all go to Brenham, and they will decide it between us there," and then went straight home.

Q. How many of those tickets were there?—A. There was 187 in the whole.

Q. That is to say 187 of the rejected, ruled out, diamond-shaped tickets?—A. Yes, sir.

Q. Straight tickets?—A. Yes, sir.

Q. Did you see Lewis Bryan there?—A. Yes, sir.

Q. Who was he?—A. He was a lawyer at Brenham.

Q. A Democrat?—A. Yes, sir.

Q. Did you hear any conversation between him and others there about throwing out those tickets?—A. I will tell you just what I saw and heard. He came in. They were somewhat near done counting when he walked in, and he came in it seemed like in quite a haste, and some of them said "Hallo, are you here?" and he said to Mr. Young, "Yes, I want to see your brother," and he walked in and touched him with a stick, and he went out. I thought as the thing didn't look straight I would go out and see about it. I thought they were fixing up a job on us colored people. There was about twenty of us there—

Q. Be as brief as you can to express the idea you have.--A. When he came in he just walked in and called for his little brother.

Q. Who did?—A. Mr. Bryan, the young lawyer from Brenham; and he went out on the platform, and I was instructed by Mose to step out and see what was up; and I went out on the platform and he was standing on my right there, and he said, "Boys, how are they getting along here?" and the other one said, "We are getting along first rate; we have flung out all those diamond-shaped tickets." He said, "That is the thing; that is about the only thing that we can do down there on at Brenham." I stepped back in the house, and I said to Mose Bird that we might as well get through and go home.

By Mr. EUSTIS:

Q. Had you served in that precinct as constable for two terms?—A. Yes, sir; probably three terms.

Q. Were you elected by the people as constable?—A. Yes, sir.

Q. Is not that a Democratic poll; have not the Democrats had a majority at that poll?—A. No, sir; not since I have been there. They have carried a majority by the Republicans and Democrats voting together for certain men at times.

By Mr. SPOONER:

Q. But as between the Democrats and Republicans, the Republicans are in a majority?—A. Yes, sir. I myself helped elect a Democrat district attorney there once.

By Mr. EUSTIS:

Q. You helped to elect who?—A. I helped elect a Democratic district attorney. But that was the first majority they had carried since the war. The Republicans sort of harmonized and worked him in.

Q. Sometimes one Democrat and one Republican are elected at that poll?—A. That only has happened twice since I have been there at that poll; only twice in the seventeen years since I have been there.

Q. Was the last election a quiet and orderly election at that poll?—A. Yes, sir.

Q. Everybody voted as he wanted?—A. I could not say that exactly.

Q. You were there all day?—A. Yes, sir, but I seen some of those men who had some colored men who were renters, holding them by the hand and talking to them.

Q. I speak of intimidation.—A. No, sir; there was no intimidation. But these men, I can tell you, they were following, they looked kind of scared. I didn't ask them what was the matter. In appearance, generally, everything was quiet and peaceable except that, you know. These men around there that I speak of they looked scared, that is all I know.

TESTIMONY OF W. L. WILLIAMS.

W. L. WILLIAMS, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your full name?—Answer. W. L. Williams.

Q. Where do you live?—A. In the town of Independence, Washington County, Texas.

Q. What is your age?—A. I was fifty-one years old last September.

Q. How long have you lived there?—A. I have lived there ever since the spring of 1866.

Q. Where did you go from to that place?—A. From Louisiana.

Q. At what polling place did you vote?—A. At Independence.

Q. What is your business, farming?—A. Yes, sir; I am interested in several kinds of business, farming, stock-raising, &c.

Q. What are you politically, a Democrat or Republican?—A. I am a Democrat.

Q. Were you present at the polls in Independence at the general election held last November, on the 2d of November?—A. Yes, sir.

Q. Were you present when the count was proceeded with in the evening, after the polls were closed?—A. Yes, sir.

Q. There were but two tickets in the field there that day, I believe?—A. Yes, sir.

Q. The People's ticket, voted by the Democrats?—A. Yes, sir; principally by the Democrats.

Q. And what is known as the straight Republican ticket?—A. Yes, sir.

Q. That ticket was a diamond-shaped ticket?—A. Yes, sir; the Republican ticket was.

Q. Do you know how many votes the total vote polled at that election place that day amounted to?—A. I do not. My memory is not good on figures and I cannot really remember; but by having it refreshed recently it seems there was about 1881, I think, of Republican votes, and I do not remember the number on the other side.

Q. It was a large Republican majority, was it not, at that poll?—A. I think there was a majority. I do not think it was very large. As well as I remember, it was not a very large voting place.

Q. Were those Republican tickets counted?—A. Well, the count proceeded, and I think about eighteen were counted at first. The question then arose as to the legality of those votes and some discussion came up. Meanwhile the counting stopped, and I sent up to Judge Willis, our justice of the peace, and got the statute and read it, and we were still divided in our opinion about it. Eighteen votes had been counted up to the time that discussion arose. After that they were counted and strung on a string.

Q. They were not counted on the tally-sheet or on the returns?—A. I do not think they were, although I cannot speak positively.

Q. Were they not ruled out there?—A. They were ruled out in this way: They strung them and put them in the box and returned them to Brenham to let the decision be made there.

Q. They were not counted and returned as valid votes by that board?—A. I do not say that. It is my impression that they were returned as supposed illegal votes, strung on a string.

Q. You protested against their being ruled out?—A. No, sir; I simply gave my opinion that the statute only referred to the printing of the tickets and did not refer to their shape.

Q. Well, they were not counted?—A. That is my understanding. I do not think they were returned. If they were returned at all as diamond-shaped tickets, illegal tickets, as they supposed, they supposed they would send them to Brenham and the decision would be made there finally. If they wanted to count them they could do it, and if not, they could omit them.

Q. Were you a candidate on that ticket?—A. No, sir.

Q. Had you been?—A. No, sir; not on that ticket particularly. I announced subject to the approval of the People's convention,

Q. They did not have any convention that year, did they?—A. No, sir; they did not have any.

Q. Were you a candidate at all then?—A. Yes, sir; I was a candidate, but withdrew.

Q. Who was put in your place by the Democrats?—A. A negro by the name of R. J. Moore.

Q. He was an ex-convict, was he not?—A. I do not know. I have understood that he was.

By Mr. EUSTIS:

Q. Was there much discussion as to the legality of these tickets?—A. No, sir; not a great deal. It was very quiet.

Q. Did some express the opinion that they were legal?—A. Some expressed an opinion one way and some the other.

Q. Did any one make any reference to the decision of the supreme court of Texas on that question?—A. No, sir; that was not mentioned. I do not think it was known there among them. It was not referred to.

Q. There was no reference to it by any one?—A. No, sir.

Q. How was this People's ticket made up?—A. Well, it was made up by petition, I think. A petition was sent over the county to the different neighborhoods and precincts asking that the following-named persons, naming the candidates, be requested to run for office, and asking the persons to sign the petition requesting those candidates to run for office.

Q. Was it irrespective of party?—A. Yes, sir.

Q. Were there any Republicans on this People's ticket?—A. Yes, sir.

Q. Do you know how many?—A. I really do not. I suppose by counting up I might be able to tell. There was a Mr. Hoffman, who is here, for one. He was on the petition when it went around.

Q. What office was he running for?—A. He was running for tax assessor.

Q. He was a Republican?—A. Yes, sir.

Q. And he was on the People's ticket?—A. He was on the petition for nomination on the People's ticket.

Q. He was asked to run on the People's ticket?—A. Yes, sir.

By Mr. SPOONER:

Q. Do you say he did run or did he refuse to run?—A. I said he was asked to run.

Q. But he did not run?—A. Afterwards he declined.

By Mr. EUSTIS:

Q. What other Republican was asked to run?—A. I should have to think awhile to be able to tell you.

Q. This member of the legislature, was he a Republican?—A. No, sir. He announced, I believe, to run on his own merits. He did not announce subject to the approval of any convention.

Q. This colored man was a Republican, was he not?—A. I never saw him, but I understood him to be. He was generally understood to be a Republican; in fact, it was universally so understood. I never saw him and do not know him.

Q. Do you know of any other Republicans on the ticket or any other Republican who was asked to run?—A. I am satisfied there were some if I could think of them. Mr. Schlinker was one. He was asked to run for tax collector. It was always my impression that he was a Republican.

Q. Was there any intimidation of any kind at that poll during the last election?—A. None at all.

Q. People voted freely regardless of color or politics?—A. Yes, sir; I never saw a freer election I do not think in my life.

Q. How has that poll generally been, Democratic or Republican?—A. It has been Democratic for the last several years I believe, perhaps four years. At the last two elections before this I think it was Democratic, as well as I remember.

Q. Do you know whether the legislature investigated the question whether or not this man Moore was a convict?—A. I do not.

By Mr. SPOONER:

Q. Is this the diamond-shaped straight Republican ticket voted that day, referred to by you [handing a ticket to the witness]?—A. Yes, sir; that is the ticket I refer to.

Q. Be kind enough to examine it particularly and state whether it is the ticket that is referred to as the straight Republican diamond-shaped ticket of November 2d?—A. (After a careful investigation.) Yes, sir; that, I think, is the ticket.

Mr. SPOONER. Well, call that Exhibit A and put it into the evidence. The ticket referred to is as follows:

Republican Ticket.

For Governor, A. M. Cochran; for Lieutenant-Governor, Lock McDaniel; for Comptroller, J. M. Brown; for Land Commissioner, A. Zadeck; for Attorney-General, C. W. Johnson; for State Treasurer, Frank Cleaves; for Justice Supreme Court, W. H. Burkhardt; for Superintendent of Public Instruction, Henry Cline; for Congress, J. D. Rankin; for Representative, 72d District, Dennis Farr; for Representative, 71st District, W. H. Blount; for District Attorney, 21st District, C. C. Lockett; for County Judge, Carl Schutze; for County Attorney, A. W. Wilder; for District Clerk, J. C. Hewett; for County Clerk, C. C. Bryan; for County Assessor, Joe Hoffman; for County Collector, Wm. Ehlert; for Sheriff, Paul Fricke; for County Treasurer, T. J. Lockett; for Justice of the Peace, Precinct No. 4, B. C. Anderson; for Constable, Precinct No. 4, D. E. Teague; for Commissioner, William Holle.

By Mr. SPOONER:

Q. That ticket, then, is what is referred to as the diamond-shaped straight Republican ticket?—A. Yes, sir.

Q. Who objected to the throwing out of these Republican tickets besides yourself?—A. I did not object; I just simply in discussing the matter, gave it as my opinion that they were legal votes. There was very little interest manifested in the matter; each one just simply gave his opinion about it; I did not ask that they should be counted or not; I simply gave my opinion that they were legal tickets in discussing the matter.

TESTIMONY OF A. G. SCOTT.

A. G. SCOTT (colored), having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your age?—Answer. On my last birthday I was thirty-four years old.

Q. Where do you reside?—A. I live in Washington County, Texas.

Q. How long have you lived there?—A. I have been living there since December 27, 1880.

Q. What is your business?—A. I am a minister of the Gospel?

Q. Do you teach school also?—A. Yes, sir.

Q. You know the colored people of your parish?—A. Yes, sir.

Q. What are you in politics, a Republican or a Democrat?—A. I am a Republican.

Q. In what justice's district or precinct do you vote?—A. I vote in the Chapel Hill district.

Q. That is Precinct No. 2. You vote at Chapel Hill polling place?—A. Yes, sir.

Q. Were you there at the last general election on the 2d of November, 1886?—A. Yes, sir; I was there awhile.

Q. What time did you go there in the day?—A. I got there something between 2 and 3 o'clock in the evening, I suppose.

Q. Which party has the majority at that polling place, the Republicans or Democrats, generally?—A. I could not say definitely. They tell me the Republicans are ahead, but I do not know definitely.

Q. How many colored Republicans ordinarily vote at that polling place?—A. I do not know definitely.

Q. Well, in a general way you know?—A. I hear them say they are some in the majority, but I do not know.

Q. That is, a majority of all the votes there are colored Republican votes?

The WITNESS. All in the precinct, colored Republicans?

Mr. SPOONER. No; are the colored Republicans in the majority at that polling place?—A. They say so; I do not know.

Q. Did you cast your vote on that day?—A. Yes, sir.

Q. At the Chapel Hill polling place?—A. Yes, sir.

Q. On the 2d of November last?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir; I voted. I did not vote for every candidate.

Q. Did you go to the Chadwick gin polling place?—A. I went there that morning.

Q. What time in the day?—A. It was soon after 8 o'clock, I suppose; I do not know exactly. It was after 8 when I left home, and it was probably 8.15 when I got there.

Q. Is that a Republican polling place?—A. They say it is in the majority.

Q. Is that the place at which a good many colored Republicans vote?—A. Yes, sir; there were a good many around there that morning when I passed by there.

Q. Were the polls open?—A. No, sir; they were not open.

Q. Do you know whether they were open that day or not?—A. They were not, I suppose. I passed by there that morning, and they were not open.

Q. How many colored men were there, voters?—A. I never counted them. They were lying around there. I suppose between 65 and 70.

Q. Do you mean to say there were 65 or 70 colored Republicans waiting there to vote?—A. I suppose so.

Q. Do you know why that poll was not opened?—A. I asked, that morning when I got there, some of the boys why they were not voting, and they said that Mr. Knoxson said he was not going to preside over the polls, that they lacked a man, a judge, of having enough. Mr. Charley Lockett was there. He was running for district attorney, and he came to me and said that we could get a man that would preside.

I told him maybe so; that I would inquire among the boys; and I asked a man named Jerry Foster, a member of my church, who said he would act, would go in for one; and he went around to see if he could get somebody else, and they said they did not want to go in; they feared something would occur like it had at Chapel Hill, two years ago, and Lockett told them that he would stay there with them.

Q. What had happened at Chapel Hill two years ago?—A. Three colored men, I believe, got shot there.

Q. While acting as officers of the election?—A. Yes, sir.

Q. The polls were raided by men in disguise, were they not?—A. Yes, sir; they say so. I was not there.

Q. And these colored men did not want to act that day for fear of a repetition of that outrage, did they?—A. That is what they said, and I left. I did not stay there more than an hour then. I went off visiting.

Q. Do you know many of those colored men who were there that day?

The WITNESS. At that polling place?

Mr. SPOONER. Yes.

A. I know a great many of them as members of my church.

Q. How many of them, as near as you can remember, were men who were competent to act as officers of the election, men who could read and write?—A. There was one man named Jerry Foster who could read and write, and another man named George Leonard who could read and write, and Richard Browning could read and write. Those were three colored men there who could read and write belonging to that poll. That is all I can commit to memory just now.

Q. You think there were others whom you cannot recollect?—A. I do not remember any others belonging to that particular precinct who voted at that poll who can read and write. I do not remember any other names.

Q. Do you remember when an indignation meeting was held at Brenham by the Democrats?—A. I take the Brenham Banner, and I saw in the Banner that on the Friday, I believe it was, if I mistake not, after the shooting of young Dewees Bolton, that Colonel Giddings, I think, called a meeting of the Democrats of the county, and in that meeting they appointed three committees of each precinct, and in my precinct, Chapel Hill, M. M. Felder was appointed, and——

Q. What were those committees appointed for?—A. I do not just remember. I think the Banner said they were appointed to take under consideration the grievances of the people, or to consider peace. There was great disturbance in the country there.

Q. Who was the committee for your precinct that you were about to name?—A. Mr. Miles Felder, Mr. Darne, and Mr. Rouse, I think, were the three from my precinct.

Q. Who was the first man you named?—A. Mr. Miles Felder. He is a white man there.

Q. A Democrat?—A. Yes, sir; I suppose so; yes, he told me so.

Q. Is he a prominent man?—A. Yes, sir; he is a leading man with us down there.

Q. Did you have any talk with him about that meeting and what they had done and were to do?—A. Yes, sir; I did.

Q. What was it?—A. The people was in such disturbance that numbers were not coming to church.

Q. When you say "the people" you mean the colored people, members of your congregation?—A. Yes sir; the colored people were not coming to church, and I had a committee of members of my church on

church matters, and on that committee was one man named Henry Creecy, and it was to meet one night and did not meet. Mr. Busby came over the next day and told me that Creecy thought all the Knoxson Hill colored people had orders to leave, and for that reason he feared to come out at night, and I went over the next morning there to ask him about it.

Q. Who was Creecy?—A. He was steward of my church, a colored man. He said that Mr. Huggins and another white man had been there the evening before and had ordered him and all the colored people on that hill, of the Knoxson family, to leave there, and that was the occasion of the meeting they had held. I told Creecy I did not believe it, and that I would go and see Mr. Felder about it. I saw in the Banner that he was the leading man in that precinct, and I went over there and saw Mr. Felder and Mr. Glass, the justice of the peace, and had a conversation with them about it.

Q. What did they say about it?—A. After I called the name of Creecy and five or six colored men who told me they understood they had to move, Felder told me that it was not so, and he told me to tell Henry Creecy (which I did tell him in my pulpit, and several others) that they were just as safe there as he (Felder) was, and that they need not leave; that they were not after the colored people, except old man Knoxson; that he had acted with the leading white men who had made incendiary speeches.

Q. Who did they say they were after?—A. They said it was just for old man Knoxson. That they were not after the colored people, but after the leading men who had made incendiary speeches.

Q. Who did they name?—A. They said it was brought about by Gilder and Ed. Locket; that they advised the colored people on the night Dewees Bolton was killed to go armed; and old man Potter and Steve Hackworth and that crowd; he named some five or six leading speakers that made incendiary speeches; he said those were the ones they were after.

Q. You have named Mr. Hackworth and Knoxson?—A. Yes, sir; those are the names they called to me.

Q. Give me as many as you can of the names of the men that he named as the men they were after.—A. He only called Mr. Ed. Lockett and Mr. Gilder.

Q. White men?—A. Yes, sir; white men.

Q. Republicans?—A. Yes, sir; they say so.

Q. Who else?—A. Mr. Hackworth and O. B. Potter and J. L. Moore. They had spoken on Saturday before and said some rough words.

Q. They mentioned J. L. Moore, did they?—A. Yes, sir.

Q. Did he mention Schutze among the rest?—A. I do not remember whether he mentioned Schutze or not.

Q. What was it he said about those men?—A. He said they made incendiary speeches; and went on to say that the administration of these Republican carpet-baggers had been very bad; that they had robbed the county, so that good citizens on the People's ticket, many of them, were tired of them; and I told them that when I voted I voted for the good men; that I had voted for Judge Kirk for county clerk, and for Mr. Lewis.

Q. What did they say they were going to do about the carpet-baggers?—A. He did not say, only that they were the ones that seemed to have the spirit against which the meeting was held. He did not tell me what they were going to do. He said those were the ones they were after; that they were not after the colored people, and they would not trouble them.

Q. Were Mr. Felder and Mr. Glass both present at that conversation?—A. Yes, sir. Mr. Glass was the justice of the peace. We were sitting in the doctor's shop by the post-office.

By Mr. EUSTIS:

Q. You say you voted for Judge Kirk on the People's ticket?—A. Yes, sir.

Q. For whom else did you vote on the People's ticket?—A. I voted for H. N. Lewis, the county clerk, on the People's ticket.

Q. Did you advise any of your people to vote the same way?—A. Yes, sir; I was in favor of Judge Kirk, and I advised a good many of them, at least I told them I was in favor of them, in my pulpit, and there was a good many in the same fix I was.

Q. You told them so from your pulpit?—A. Yes, sir. The reason I explained it from the pulpit was, there came up an accusation that we were all Democrats, and I told them we were not, but that I was in favor of good men.

Q. Why did you vote for Judge Kirk?—A. Because I liked him. I said I would vote for him in the summer before politics opened, and after I said so; I liked him. He always treated me right, and as I had said so in the summer before politics opened, after it opened, as I liked him better than I did the other candidate, I voted for him.

Q. Who was the other candidate?—A. Carl Schutze.

Q. You knew that Schutze was a white Republican leader there, didn't you?—A. When I went into the county in 1880 he was——

Q. I speak of this last election.—A. I say when I went into the county he was then the district or county attorney at that time, and I never did have any conversation with him more than meeting him on the street. I do not know that I ever spoke to him until he came out as a candidate for county judge.

Q. Didn't you know that at the last election he was a prominent Republican leader?—A. I never heard him make a speech of any sort. He was not in politics that I know of two years ago, before the last election.

Q. I understood you to say that you, like others, had gotten tired of white Republican leaders?—A. No, sir; I never said that. I said that Mr. Miles Felder told me that they had got tired of the way some of them, the county treasurer, had gotten away with some of the money of the county, and they had got tired of that class of men; and I proposed to vote individually for the men who I thought were good men, let them be Republicans or Democrats.

Q. Do you not consider Judge Kirk a good friend to the colored people?—A. I do.

Q. You consider him as always having been a good friend of the colored people?—A. Since I have been knowing him he has been, always.

Q. Is he not very popular with the colored people there?—A. So far as I know, he is.

Q. Has not Judge Kirk given you colored people better schools than you had before?—A. The school systems are better; yes, sir.

Q. Has it not been greatly improved under his administration?—A. They have improved under his administration.

Q. You mean the schools for colored people?—A. Yes, sir.

Q. Did you hear any of those speeches made by the white Republican leaders?—A. I heard a good many of them.

Q. Who made them?—A. I heard Mr. Hackworth make one, and I heard Mr. Paul Fricke make one, and I heard J. L. Moore make one, and I believe that is about all of the white Republicans I heard speak.

Q. Were they incendiary speeches?

Mr. SPOONER. What is an incendiary speech?

Mr. EVARTS. Let him give us the speech.

Mr. SPOONER. Let us hear what was said and then we can judge whether it was incendiary or not.

By Mr. EUSTIS:

Q. Do you know what I mean by an incendiary speech made down there by the white Republican leaders addressing colored voters?—A. I can tell you what I think about it. I do not know exactly what you mean.

Q. I expect we will agree as to what it is.—A. Well, I take an incendiary speech, what I think you are speaking of—

Q. Is saying white people are the enemies of the colored people?—A. Yes, sir; something like that I suppose.

Q. Exciting their passions?—A. Yes, sir; exciting their passions to strife.

Q. And trying to estrange them?

Mr. SPOONER. Let us get his notions about it.

Mr. EUSTIS. I ask him whether he understands that to be an incendiary speech?

Mr. EVARTS. Our objection to your asking him whether he heard incendiary speeches is, that we want to hear what the speeches were, and then we will determine whether they are incendiary. You are not willing to leave it to him, but you are describing what are incendiary speeches.

Mr. EUSTIS. No; I want the witness to state what he understands an incendiary speech to be; to say whether it is responsive to my question or not, and he is going on to state what he understands an incendiary speech to be.

Mr. SPOONER. You are asking him in regard to the various elements of what you consider an incendiary speech.

Mr. EUSTIS. No; whether he considers an incendiary speech down there is not what he states it to be.

The WITNESS. I am not a native of Texas; I was raised in Georgia, but that is in the south, and it is all the same I suppose. But what I call an incendiary speech—I did not hear any words that I could picture out that they said which was more incendiary than the speeches made from the other side, and I never heard my people grumble except about one speech that was made, and that was made by a colored preacher, named Brown, and in his speech he said some words that the members of my church cut up terribly about and remarked about the animus of it.

By Mr. SPOONER:

Q. What was he, a Democrat?—A. He claimed to be a Republican, but he was speaking for the People's ticket. The others were about near on a par like each other, the way they all spoke. I do not know what you would determine to be incendiary, but they spoke against each party. I did hear the Republicans say, the white Republican speakers say, that the Republican party was the party for the colored people to stick to; that it was the best party, and that the Democratic party was not as good a friend to them as the Republican party. And of course I heard on the other hand the Democrats say that the Democratic party was the best friend to the colored people. That is about what I could determine from the white speeches. But the speech I particularly refer to that these colored people objected to mostly was words

spoken by this Mr. Brown, and it was at Chapel Hill on the stump, and he said that if the colored people continued to vote the Republican ticket, if he was the white people he would not let them have any rations or anything afterwards; that he would tell them to go to scalawag Hackworth and others and get their rations. That stirred up the most of the ill feeling among my people. The other speeches I heard was about equal on both sides.

Q. This was a Democratic speech?—A. Yes, sir.

By Mr. EUSTIS:

Q. Was he a colored man?—A. Yes, sir, he is a colored man and belongs to my conference.

Q. Is Mr. Brown a Republican or a Democrat?—A. He says he is a Republican, but he voted the People's ticket at the last election.

Q. Did he say in public from the stump that he was a Republican?—A. Yes, sir.

Q. He said that once or repeatedly?—A. I have heard him say so. I heard him make two or three speeches, and he said so in each one. I do not know how many times I heard him say so, but I have heard him repeatedly make that statement.

By Mr. SPOONER:

Q. That is what men generally say when they leave the Republican party and work for the Democratic ticket, is it not?—A. Well, I hear them all say that they are Republicans.

By Mr. EUSTIS:

Q. You say you have a congregation, you have a church there?—A. Yes, sir; I am in charge of a church at Chapel Hill.

Q. Do you preach morality as well as religion?—A. I tries to as best I understands it, sir.

Q. Don't you know that the colored people are better satisfied, so far as their interests are concerned, with the Democratic administration of the county than when it was under the charge of the Republicans; that it is a more honest and proper administration of affairs than when it is under the charge of the Republicans, so far as your schools are concerned, so far as stealing public money is concerned, and all that sort of thing; all that goes to make up a good Government; don't you colored people know that you ought to be better satisfied with the Democratic administration of county affairs there than when it is under the charge of Republicans?

Mr. SPOONER. Which particular branch of that question do you wish the witness to answer?

Mr. EUSTIS. He can judge of that himself.

The WITNESS. Do you mean generally, or myself individually?

Mr. EUSTIS. Yourself individually, and from what you know of your own people.

A. Well, the colored people generally——

Q. Take yourself, for instance.—A. Well, so far as I am concerned, I am a Republican, and would rather be under a Republican administration when they act right. I don't want to be under no administration if they don't deal honest. So far as our last two administrations are concerned, we were better satisfied in regard to the public school systems and many things. In our last administration they had a good deal of robbing out there.

Q. You speak of the last two administrations as Democratic administrations?—A. Yes, sir.

Q. And the other administrations, where there was so much stealing, were Republican administrations?—A. Yes, sir; that was done under the Republicans.

By Mr. SPOONER:

Q. You didn't say "administrations," did you?—A. The last administration I spoke of I referred particularly to the last Republican administration, in which the county clerk or treasurer, Leib, got away with the school money, and that dissatisfied every honest man, I suppose, in the county.

By Mr. EUSTIS:

Q. I suppose he professed to be a great friend of the colored people, did he not?—A. I never met him more than once or twice. I never heard him make any speeches. He was the county treasurer for two years while I was there. He was a German, and I never had much talk with him.

By Mr. EVARTS:

Q. This last administration of the Republican party that you have spoken of, when did that begin and end?

The WITNESS. That last administration, under the Republican party?

Mr. EVARTS. Yes; the one you spoke of as not approved by you. When did that begin and when did it end?

A. I do not remember just now. It was just about 1880, I think, and lasted until 1882. I do not remember just the date or the year.

Q. When did that Republican administration go out of office?—A. The county judge died and the commissioners appointed Mr. Breedlove to preside up until the first term, when Judge Kirk was elected, and that was in 1884.

Q. Then this Democratic administration commenced in 1884?—A. Yes, sir; it began in 1884.

Q. How long did that last?—A. That has been going on up until now.

Q. Is that the county judge that you speak of?—A. Yes, sir.

Q. How long does that office last; for how long a term?—A. For two years.

Q. The county judge is elected for two years?—A. Yes, sir; they are elected every two years.

Q. Was there an election of a county judge last November?—A. Yes, sir; there was.

Q. Who was chosen then?—A. The same county judge that had been serving two years.

Q. Do you mean Mr. Kirk?—A. Yes, sir.

Q. Who was the Republican county judge before that time?—A. Judge Kirk was, two years before that.

Q. No, the Republican county judge?—A. Judge McAdoo, and he died, and the commissioners chose C. R. Breedlove until the election came off, at which time Judge Kirk was elected.

By Mr. SPOONER:

Q. As a school teacher you transact your business with Judge Kirk; he audits your accounts, and you draw your pay through him on a warrant, and he approves your vouchers and everything?—A. Yes, sir; he does.

TESTIMONY OF W. S. BUSTER.

W. S. BUSTER, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Where do you reside?—Answer. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have been there about ten years, in the town of Brenham. I have been living in the county all my life, pretty much.

Q. Were you born in Texas?—A. No, sir, I was born in Kentucky; but I was raised there from a child.

Q. You have lived then in this county since you were a child?—A. Yes, sir; in Washington County, Texas.

Q. What political party do you belong to there?—A. The Democratic party.

Q. You have always been a Democrat and are still?—A. Yes, sir.

Q. Have you been active in politics at all?—A. No, sir.

Q. Have you held office?—A. No, sir; I have held no office; no elective office.

Q. No political office?—A. No, sir.

Q. You remember the circumstances of the election in November last in Brenham?—A. Yes, sir; I remember them.

Q. At what precinct did you vote?—A. At Brenham precinct, Precinct No. 3, Washington County.

Q. The polls of that precinct are held at Brenham?—A. Yes, sir.

Q. Brenham, I understand, is divided into four precincts?—A. Yes, sir; it is.

Q. And yours is precinct No. 3?—A. The county is divided into several precincts, and Precinct No. 3 includes Brenham.

Q. How many polling places are there in Brenham?—A. I believe there are three or four. I forget how many were used in that election—three or four boxes. There are four wards in the town, but I forget how many voting places there were in that election.

Q. At which of these precincts or polls were you?—A. I was at No. 3. I voted at the court-house.

Q. You remember after this election that some negroes were put in jail?—A. Yes, sir; I remember that.

Q. How many were there?—A. I heard there were eight put in jail.

Q. Did you know any of them personally?—A. No, sir; I did not.

Q. By sight or otherwise?—A. No, sir; I did not.

Q. Do you know what they were put in jail for?—A. Just from what I heard; I do not know any of the particulars.

Q. What did you understand?—A. I heard it was some trouble that happened down in the lower part of the county; that there was a man killed there at the box, and they were implicated in some way, I do not know how.

Q. They were in some way connected with that trouble down there on election day?—A. Yes, sir.

Q. And for that reason these men were put in jail?—A. Yes, sir.

Q. How far is Brenham from this place where the trouble occurred?—A. Well, it must be about fifteen or twenty miles, I do not know the exact distance; it is some distance though.

Q. I mean if they were guarding the jail?—A. Well, that is what they were there for, as guards of the jail.

Q. But they were not guarding the jail at that time up in that second

floor, were they?—A. While they were not effectively guarding it, they could see any approach to the jail very well; but they did not see or

Q. Did you know of the fact of three of those eight men being taken out of jail and hung?—A. Yes, sir; I was on duty as policeman in town the night they were taken out.

Q. What were you engaged about as policeman at that time; where was your station?—A. My station included the whole town, pretty much. There is one officer on at a time. At the time they came I was down at the city hall, near the jail. The city hall is in an upper story, and commanded a view of the jail-yard in the adjoining building.

Q. Were you up there in the second story?—A. I was up there when the crowd came, in the second story of the building, in the city hall.

Q. You commanded the jail from where you stood?—A. I could see the front of the jail-yard; I commanded a view of the front of the jail-yard. It was night when they came.

Q. What time of the day or night was it that you were looking on and saw what you have described?—A. Well, I went up there, I presume, about a quarter past twelve. I think it was that time when I went up into the city hall.

Q. In the day-time?—A. No, sir; in the night. I had not been up there but a few minutes, I don't know exactly how long, when the gentlemen who were there with me—there were two with me——

Q. Who was with you?—A. There was Mr. Leonard G. and John Lockett. They were there as guards for the jail.

Q. Where were they?—A. They were in the city hall too. I was up there sitting by the stove, and I hadn't been there but a few minutes, and I think Mr. Leonard G. looked out and said, "The yard is full of men." I looked then, and I could see several men in the yard, and I started to go down on the street. The way I had to go down was through a stairway which went from the outside. I ran right on down to the street in front, and as I started down there were three or four men rode around in front of the steps and halted us, and asked who we were, and Mr. Lockett, who was with me, told them who we were, and they told us then to go back up in the room and keep silent; "Keep quiet" they said.

Q. Who told you this?—A. I don't know sir. It was a man on the street on horseback. I could not recognize who he was.

Q. Was he armed?—A. Yes, sir; he had a gun. I could see that several had guns.

Q. Well, that man who ordered you back?—A. Yes sir; he had a gun.

Q. Was he disguised?—A. I could not see that he was. I had seen several of the party. I saw some after they started down to come out of the jail-yard.

Q. Well, go on now. At this time did you see whether this man on horseback was disguised or not?—A. I could not tell you whether he was or not. It was in the dark. I was above him and he was in the street below.

Q. You could not recognize him?—A. No, sir.

Q. Do you know now who he was?—A. No, sir.

Q. What did you do then?—A. I went back in the hall.

Q. You went up-stairs?—A. Yes, sir; I went up-stairs where they told me to go.

Q. What became of the two men who were with you?—A. They went back too; one of them went back with me up-stairs.

Q. And the other one had staid there?—A. Yes, sir; he staid there, he didn't come down at all.

Q. You say they were guards of the jail?—A. Yes, sir.

Q. Was it their business to be up where they were?—A. Well, I don't know about that.

give any alarm of anybody coming until they had all got into the jail-yard.

Q. Did you inquire as you went down what the disturbance was about?—A. No, sir; I did not say anything to them.

Q. Did you know what it was about?—A. Well, I supposed what it was.

Q. What did you suppose?—A. I supposed what they had come for. I had heard of an attempt being made once before. I had heard of something which led me to believe that was what it was for.

Q. What was it?—A. I heard there had been some threats made that they would take them out. That is the way I understood it.

Q. How long before this had you heard that?—A. Well, it had been some time; that was before the prisoners were taken away. They were taken off to Houston for a while, and then they were brought back, and this was a few days after they were brought back that this occurred. I had heard no threats or anything after they had returned until this.

Q. Then, how long before this night had you heard that there were threats to take them out?—A. Well, it had been a week or two; I don't remember the time.

Q. And you had been a policeman all this while?—A. Yes, sir.

Q. Had you done anything about it?—A. No, sir; I had not.

Q. Who was the head of the police force of which you were a member?—A. Mr. T. L. Swayne is our marshal.

Q. Did you see him there that night?—A. No, sir; I saw him in the fore part of the night, I believe, early in the night.

Q. At the time you were there did you see him at all?—A. No, sir.

Q. How large is the police force of your town?—A. There is only one on duty at a time.

Q. I ask you how many there are in all?—A. There are two men and the marshal; three men in all.

Q. That is the whole police force of the town, is it?—A. Yes, sir.

Q. And, as you say, only one man is on duty at a time?—A. Yes, sir; one on duty at night and one in the daytime, and the marshal is on duty in the day generally and in the fore part of the night.

Q. Very well. When you went down-stairs let me understand whether you made any inquiry or not of what the disturbance was for.—A. No, sir; I did not.

Q. You thought you knew, did you not?—A. Well, yes, sir; I thought I knew what the design was.

Q. Who was the first person who spoke to you; who among the crowd down there first spoke to you?—A. This man I speak of riding around on his horse spoke to us, halted us and asked us who we were, and Mr. Lockitt told him who we were and gave him our names.

Q. Who was Mr. Lockitt?—A. Mr. Lockitt was one of the guards who went down with us.

Q. How did this man call, the one who was on horseback; what did he say?—A. He said "Hold up there," and then he says "Who is that?" Mr. Lockitt told him our names. "Well," he says, "go back now up into the room and keep quiet, and you will not be molested," or something. He had a gun presented at a half present.

Q. Did he aim it at you?—A. He had it pointed in our direction; yes, sir.

Q. Well, it was pointed at you, was it not?—A. Yes, sir.

Q. Did he say he would fire if you came down?—A. No, sir; he made no further threats, but we understood by his motions what he would do.

Q. He pointed the gun at you and told you to go back and be quiet, and you would not be molested?—A. Yes, sir.

Q. Were you armed?—A. I had a pistol.

Q. Was Lockitt armed?—A. I suppose so, sir.

Q. With a pistol?—A. Yes sir; he had no gun.

Q. Well, you went back then?—A. Yes, sir; I went back.

Q. Was this the only man on horseback?—A. No, sir; there were three or four who came around there.

Q. Were they all armed?—A. I think they were. I know I saw guns in two or three of their hands.

Q. Do you know the names of any of them?—A. No, sir.

Q. Did you then know them?—A. No, sir.

Q. Besides these men on horseback and armed, were there others making up this company on foot?—A. There was a crowd in the jail yard that were afoot.

Q. I am asking now whether there were following these men on horseback others?—A. We could not see from the way the steps ran down into the street; we could only see what was in front of the street.

Q. Very well, proceed. You went back then?—A. Yes, sir.

Q. After that, what did you see?—A. After I went back we could see them going into the jail house.

Q. See who going there?—A. This crowd. I could not tell you who they were. There were probably ten or fifteen men around in the jail yard, and some of them got a light, and we could see the light as they went up to where the prisoners were.

Q. Did these men on horseback go into the jail yard?—A. No, sir; I think they stood on guard in the street all the time.

Q. In regard to these men on horseback, after you went up stairs, did you see them order other people off?—A. No; the only thing I saw after I went back into the house—we could not see them then, but when they got ready to start I could hear the horses' hoofs as they rode off.

Q. Just describe to us, as well as you can, how you commanded any view from where you stood of the jail yard; what could you see inside of the jail yard?—A. We could see men walking around. It was so dark you could not tell, except you could tell the outlines of the men. From the east window of the hall, where we were, by looking out of that we could see down into the jail yard in front of the jail.

Q. Was the jail yard immediately under your window?—A. Yes, sir; it was not more than fifty feet from where we stood to the jail yard. I don't suppose it was right under us.

Q. What took place inside of the jail yard that you saw?—A. I could see nothing only as they went into the door. After they got into the jail we could see the light then, and saw it in motion as they went up to get the prisoners. The cells were in the second story, and through the grated windows below we could see the light as it went up, and could see the outlines of several men going along, and as they went up there one time I could see that they had masks on—those that came in the light so that I could see.

Q. Those men you could see had masks?—A. Yes, sir; they had something white over the lower part of their faces, it looked like a white handkerchief tied over their faces.

Q. How many did you see go into the jail?—A. I think there were twelve or fifteen; I never counted.

Q. Into the jail itself, I mean, as distinguished from the jail yard.—A. Well, ten or fifteen I could see in the house itself.

Q. Were they armed?—A. Yes, sir, I could see they were armed, part of them; I could not say all of them were, but I could see guns in some of their hands.

Q. Did you see any who were not armed?—A. No, sir; I don't remember that I did.

Q. What took place after they went up there?—A. They remained there a few minutes, I cannot say how long, and they came back then, I suppose, with the men they took out; I could not tell; I could not see who they were.

Q. But you could see the men they brought down?—A. I could not see but one of them that I identified as a prisoner. As they came out of the front door they had a light with them inside, and when they came out some of them held the light back in the building, and as the first six or eight men stepped out of the jail they were in the light from the lamp they held inside, and I could see them, and I could see one of the prisoners, it looked like, with his hands pinioned behind him, but I could not say who he was.

Q. Could you see that he was a colored man?—A. Yes, sir.

Q. And his hands were pinioned behind him?—A. Yes, sir; it appeared to me they were; he held his hands in that position.

Q. Did these men have hold of him?—A. No, sir; I could not say that they did.

Q. Was he in among them, in the midst of them?—A. Yes, sir; he was right in the midst of them—he was surrounded by them. Then they blew out the light, and I could only see the dark bulk of the men as they went along.

Q. As this procession came out from the jail they put out their lights?—A. Yes, sir; before the last ones got out.

Q. What further could you see?—A. I could not see any more. The crowd that went from the jail yard went to the front together and were there but a short time, and they blew a whistle, as a sort of signal, I suppose, and soon after that we could hear the horsemen coming down the street in different directions, and they all went off down the street.

Q. These men on horseback approached at that signal?—A. Yes, sir; the men on horseback followed the prisoners in a sort of procession, from what I could find out.

Q. I understood you to say that after the signal, men on horseback came down the different streets?—A. Yes, sir; and fell into procession, and they all went off together.

Q. They joined this party, and all went off together on horseback?—A. Yes, sir.

Q. How were those prisoners carried off; did you see that?—A. No, sir; I did not see that. After they got outside of the jail yard I could not see them from the window I was at.

Q. Was that the end of that matter?—A. It was the end of it so far as I could see.

Q. After they had gone off, did you then go down?—A. Yes, sir; I went down then as soon as these horsemen left our door, and went about a hundred yards or so to the freight depot where there was a young man staying as watchman, and they had a telephone there, and I told him about it, and asked him to telephone to Mr. Dever, the sheriff, and he telephoned immediately to Mr. Dever.

Q. What did you see afterwards; did you go into the jail?—A. I went to the jail door and asked the jailor there about what had happened and who they had got.

Q. What did he tell you?—A. He said they had only taken three men. I forget whether he told me the names at that time or not; but he said that they told him they had come there—that is the way they got in—they told him it was an officer who had a prisoner to lock up; they woke him up and told him that, at least that is what he told me; I do not know anything about it myself.

Q. He told you this, did he?—A. Yes, sir; and that when he opened

the door they caught him and held him, pushed him behind the door, and kept him confined there until the others went up; that is what he told us.

Q. And then that they brought down three men?—A. Yes, sir.

Q. Did he give you the names of any of the men who did this at that time?—A. No, sir; he did not give any of the names, because he said he did not know them.

Q. Did he tell you that they were all masked or armed, or what did he say about them?—A. I don't remember that he told us whether they were all armed or not. He just told us how they caught him; that he set his light down in the hall and opened the door. He said it was nothing unusual for this constable or deputy sheriff, Schley, to come there at that time of night to bring prisoners from Chapel Hill.

Q. Was this man a constable who said that he had brought a man there?—A. That was a man that he represented as bringing a prisoner there. They said it was Mr. Schley. When the jailer asked who was there they said it was Schley with a prisoner from Chapel Hill to lock up.

Q. What is Mr. Schley's full name?—A. I do not know.

Mr. KIRK. It is M. H. Schley.

Q. How do you spell his name?—A. He spells it S-c-h-l-e-y, I believe.

Q. This Mr. Schley was a constable?—A. I think he was a constable or deputy—he was an officer.

Q. At any rate he was in that service?—A. Yes, sir.

Q. Do you know him?—A. Yes, sir; I know him.

A. And you know that he was a constable?—A. Well, I knew that he had been a constable, but whether he was at that time or not I did not know. If he was not a constable, he was a deputy sheriff.

Q. This jailer, what was his title, what do you call him—warden?—A. No, sir; they call him simply a jailer.

Q. The jailer told you this, that he asked who it was?—A. Yes, sir.

Q. And they answered, "Schley, with a prisoner"?—A. Yes, sir.

Q. Did the jailer tell you whether they brought any prisoners there or not?—A. No, sir; they had no prisoner at all. That was the ruse they used to get him up, so he said.

Q. What did this jailer do after he had found out this was a ruse?—A. He could do nothing. As soon as he opened the door they grabbed him and pushed him behind the door, and one or two stood guard over him while the others went to get the prisoners. I think he said they threw something over his face so that he could not see.

Q. Did they threaten his life or not?—A. I did not hear of any threats. I did not hear anything of this myself from where I was.

Q. I understand that it is what the jailer told you. Now, was there anybody else in charge or on guard at the jail except this jailer?—A. Yes; these two men that I was speaking of.

Q. But they were not there; they were up-stairs?—A. They were up-stairs at the time; yes, sir.

Q. What business had they to be where they were and not in the jail?—A. Well, I do not know, sir. They said they could see there, but it seems they came in on them unawares that time.

Q. Did he tell you why three were taken instead of eight, or why those three out of the eight were taken?—A. No, sir.

Q. Did the jailer tell you anything except what you have now told us?—A. I do not remember that he told me anything else.

Q. Very well. You say you telephoned for the sheriff?—A. Yes, sir; that is, I got the young man who was a guard there to telephone.

Q. What happened then?—A. He telephoned to the sheriff and told him about it. He asked how long they had been gone, or something of

that kind, and that was the last I knew about what happened, until the next morning.

Q. The sheriff did not come?—A. I suppose he did come. I never heard, though. It is about two miles to where the sheriff lived.

Q. But you did not see him there, did you?—A. No, sir; I did not see him until the next day.

Q. How long did you stay about the jail after these men went off?—A. I staid around there about in town until daylight. I went off duty at daybreak, about 4 o'clock in the morning.

Q. But how long did you stay about the jail after the jailer had told you this?—A. I didn't stay there long.

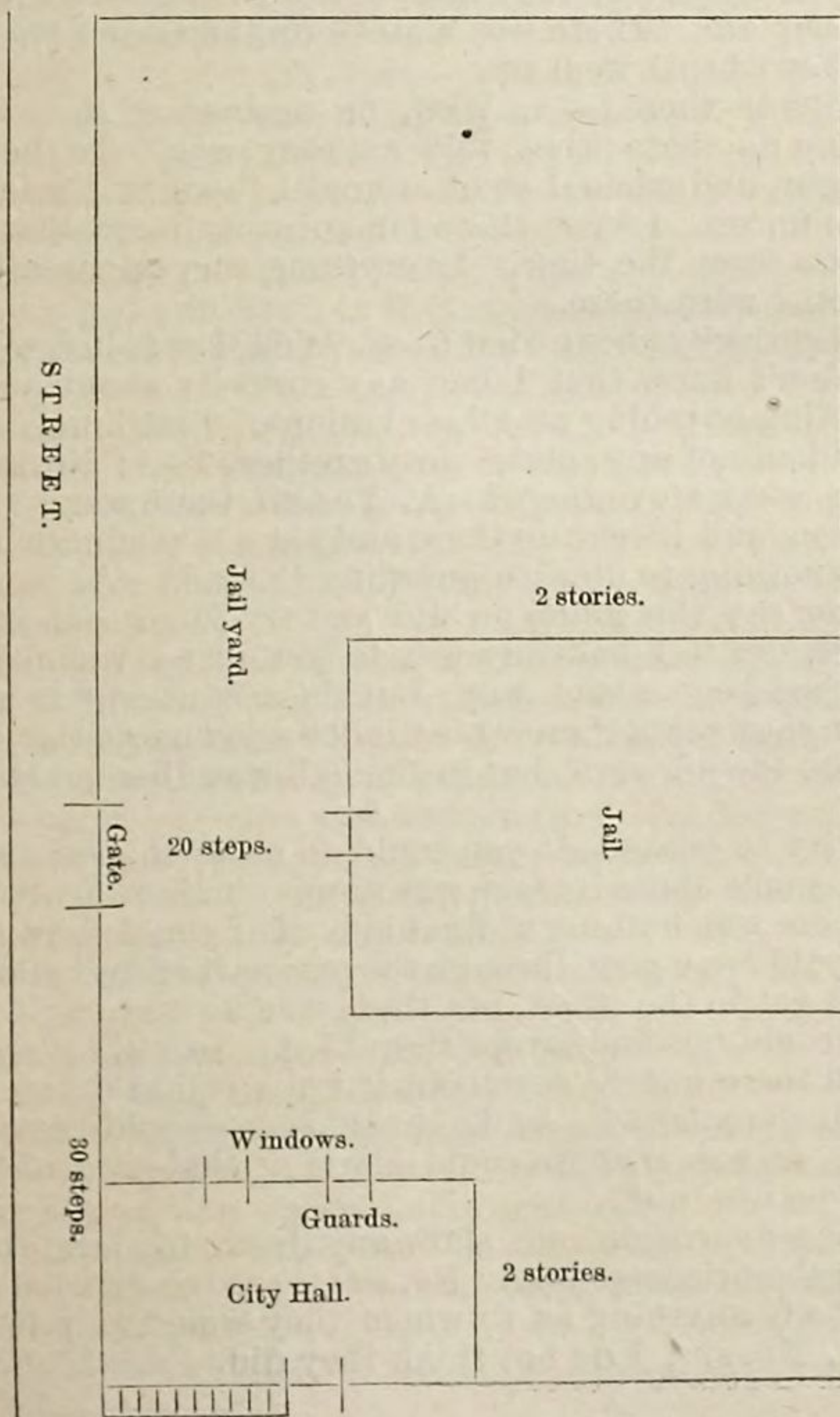
Q. You did not stay there; you went on your beat?—A. Yes sir.

Q. You made your rounds?—A. Yes, sir.

Q. Did you ever see those colored men again; did you know anything that was done to them?—A. No, sir; I did not see them any more. I heard that they were hung, but I did not see them after that.

Q. Just look at this diagram and see if it is a correct sketch of the jail and the jail-yard [handing sketch to the witness]?—A. Yes, sir; this represents it correctly.

The following is the sketch referred to :



Q. Was there any public alarm given in the city at all?—A. No, sir.

Q. Or any outcry by the jailer or constables?—A. No, sir.

Q. What became of these two guards of the jail?—A. I left them there; I do not know where they were; I think they staid around there.

Q. Were they in the jail or the jail yard?—A. The last time I saw them I think they were in the jail yard talking to Mr. Estes, the jailer.

Q. These guards could not come up into the second story of the court house except from the street; they could not get from the jail or jail yard to where you were?—A. No, sir; they had to come around. There was only one way of getting up into the hall.

Q. How long were they all there with you before this disturbance occurred?—A. But a few minutes. I dont know how long they had been there when I went up. They were there when I went up-stairs. I had not been there exceeding five minutes; I had been around town.

Q. Very well; they were there?—A. Yes, sir.

Q. What were they engaged in?—A. They were sitting around the stove talking when I got there.

Q. Was anybody else there?—A. No, sir; no one but those two men.

Q. And how long they had been there you do not know?—A. No, sir.

Q. Did they tell you why they had come up there?—A. No, sir; I do not know as they did. There was a stove up there, and they were sitting around that when I went up.

Q. What led you there?—A. Well, on account of the stove, and I knew they were up there; they told me they would be there at some time of the night, and when I went around I thought I would step up there a few minutes. I went there for curiosity more than anything else, and to pass away the time. Everything was apparently quiet on the street when I went there.

Q. You had curiosity about what?—A. Well, I say, just to pass away the time. I don't know that I had any curiosity about anything. I was not expecting anything at all, anything of that kind.

Q. And you had not any special duty up there?—A. No, sir.

Q. But there was a stove there?—A. Yes, sir, there was a stove there, and it was warm, and I went up there and sat a few minutes.

Q. You had nothing to do with guarding the jail?—A. No, sir.

Q. When you saw this going on did you try to get out into the jail yard?—A. Yes, sir; if I had any way to get out; I would have gone down if there had been a back way; but there is no way to get out.

Q. This plan shows that there were windows down into the jail yard.—A. No; not into the jail-yard, but in the hall-way there, a passage-way along there.

Q. Did you try to get out, if you could, in order to give an alarm?—A. Yes, sir; I spoke about if there was a rope up there I would try and get out, but there was nothing of the kind. If I could have gone down a back way I could have gone through the rear part of that alley attached to the hall and got to the street, but there was no way.

Q. But you could not find a rope there?—A. No, sir.

Q. What did these guards say about it when you said you wanted to get out and give an alarm?—A. They said there would be no use in it; that there was no one that we could alarm at that time of the night, and there was no use in it.

Q. Well, these guards did not show any desire to alarm the town or save the jail or the prisoners?—A. No, sir; I saw no effort of that kind.

Q. Did they say anything as to whom they would help if they took part in it?—A. No, sir; I do not think they did.

Q. Was anything said about Polk Hill?—A. There was something said about Polk Hill. It was Mr. Lockitt, I think, said something about if it was Polk Hill he would like to be with them.

Q. He said if Polk Hill was in that jail he would be with this crowd?—A. Yes, sir.

Q. That was what he said, was it?—A. Yes, sir; that was what he told me.

Mr. EUSTIS. We have no questions to ask.

TESTIMONY OF G. W. BROWN.

G. W. BROWN (colored), having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Where do you live?—Answer. I live in Washington County, Texas.

Q. What part of the county?—A. Near the old town of Washington, 5 miles from the old town.

Q. How near is that to the Flewellen polling place?—A. As near as I can tell, it is between 10 and 12 miles.

Q. How long have you lived where you now live?—A. At the place where I now live, I have been there three years; this will make three years, I think; this is going on three years.

Q. Where did you live before?—A. Before that I lived at the widow Allen's place, within three or four hundred yards of where I live now.

Q. In the same neighborhood?—A. Yes, sir.

Q. How long had you lived in that neighborhood?—A. As well as I can remember, about fifteen years; I would have to count to tell the exact time.

Q. Before that, where had you lived?—A. In Washington.

Q. In the town of Washington?—A. Yes, sir; in the town.

Q. Were you borne out there?—A. No, sir; I was born near the place called Graball, below Washington.

Q. You were born then in that county?—A. Yes, sir; that was all in the same neighborhood.

Q. How old are you?—A. I was born Februrary 15, 1860.

Q. That makes you twenty-seven years old?—A. Yes, sir.

Q. What have you been all your life; what has been your employment?—A. Farming has been my principal business.

Q. A farm hand. Do you now own a farm?—A. No, sir; I don't own a farm individually myself, but my father owns one.

Q. You live with him?—A. No, sir; I rent now. There ain't enough for us all to work, and I rent land outside.

Q. You hire land and carry it on yourself?—A. Yes, sir; with my wife.

Q. Are you a married man?—A. Yes, sir.

Q. Have you a family of children?—A. Yes, sir.

Q. You remember the election last November?—A. Yes, sir.

Q. At what place did you vote, or would you have voted?—A. At Lotts' voting place; they call it Lotts' post-office.

Q. Did you vote there that year?—A. Yes, sir.

Q. Were you around at any of the other polls that day?—A. Yes, sir; I had been that day.

Q. What polls were you at?—A. At Graball.

Q. Were you at any other?—A. Yes, sir; I passed by Washington on my way back home. That was right on my way.

Q. Did you take any part in the election? Were you a candidate for any office?—A. Yes, sir.

Q. For what office?—A. For county commissioner for my precinct.

Q. How many commissioners are there for each precinct?—A. There is one commissioner for each precinct.

Q. You were on the Republican ticket, I suppose?—A. Yes, sir.

Q. Who ran against you on the Democratic or People's ticket, or whatever it was?—A. A gentleman by the name of Mr. D. D. Bolton.

Q. How was the vote there at your precinct? How many Republican and how many Democratic votes?

The WITNESS. Do you mean in the entire precinct?

Mr. EVARTS. Yes; where you voted. I am speaking of voting places now.—A. Then you mean at Lotts' voting place? I was informed by the clerks that the Republican vote was 156 and the Democratic vote was 33.

Q. How many other polling places were within the polling which your candidacy included; how many polling places were there that took in votes as between you and Mr. Bolton?—A. There were Washington, Graball, and Flewellen.

Q. Do you know how many votes were at the other polling places besides Lotts'?—A. Well, from what information I could get during the time that I was there, that is all. I was at Graball voting place up until about 12 o'clock, and I saw from the appearances that the colored people all seemed to be voting the Republican ticket.

Q. Do you know how many votes were cast there for yourself and for Bolton?

The WITNESS. At that time?

Mr. EVARTS. Yes.

A. No, sir; I didn't make any inquiry.

Q. Were the voters about there mostly colored Republicans?—A. Yes, sir; they were mostly Republicans there.

Q. Now, in regard to the other place, Flewellen, do you know about that?—A. No, sir; I don't know about that.

Q. Was the candidate, Bolton, whom you have spoken of, the father of the man who was killed?—A. Yes, sir; he seemed to be the father.

Q. It was his son who was killed at Flewellen?—A. Yes, sir.

Q. Which was elected county commissioner, you or Bolton, or declared to be elected; which holds the office?—A. I am the one.

Q. You got the office?—A. Yes, sir.

Q. Now, after the election was over, after this affair at Flewellen, was there a disturbance or excitement there against the colored people and against you?—A. There was a great deal of disturbance.

Q. What happened to you personally about your staying there and about your going off; give us what you have to say about that?—A. Well, there didn't anything happen to me personally, because after I first heard about the disturbance I staid pretty close around home. After hearing that there was a right smart of confusion in the country, and people around Brenham was scared up. I can't remember who it was now said there was a good many men around Brenham that was alarmed and seemed to be right smartly angry, but whoever it was told me, I thought it would be best for me to stay pretty close, as I was a candidate.

Q. How long did you keep close about home?—A. I staid close about home until (I cannot remember the day) I received my certificate of

election. It was brought to me from Brenham. I can't remember exactly how many days it was; but I staid close around home until that time.

Q. Did any of the people come to you or send word to you or write to you that you must go off or resign, or anything of that kind?—A. Yes, sir; I got word.

Q. What was the word that you got?—A. First, before I received my certificate, I heard that I was elected; I heard that a gentleman said that George Brown was elected, and would be seated in a few days if it was not too damned hot for him.

Q. In any other way were you approached or warned or threatened in any way?—A. Yes, sir; I had other warnings after that.

Q. In what way?—A. I cannot remember the night—that is, the date—exactly; but there was a gentleman came to my house at about 12 or 1 o'clock—

Q. Twelve or 1 o'clock at night?—A. Yes, sir; and he told me to come to the door, and I was afraid to walk right out to the door, and I stepped up to the door and asked who was it. He was talking very low, and he said it was a friend. He said, "Nobody aint going to hurt you," and I recognized his voice. I opened the door then near to the edge of the gallery, and he told me that he was sent up there to tell me to look out; that I was in a right smart of danger—Mr. Blount and myself. He said that he could not tell positively what time it would be, but to look out. He said that I had better not stay around home; and I asked him then did he think any danger would happen that night, and he said he didn't know positively.

Q. Do you mean that night?—A. Yes, sir; he said he didn't know positively, but he said that is what they told him to tell me, to look out. I asked him then could I get him to ride up to Blount's and tell him; that he might be there not expecting nothing, and I would like to get him to go up there and notify him so that he could get out of the way. But he said he had to go over to his mother's. I told him if he would ride up there and tell him right away before he went to his mother's I would pay him 50 cents just to ride up there and tell him, because I would like for him to know it. I told him I was afraid to go myself because if there was danger I didn't know which way it was coming there and I was afraid to go out of the house, and I thought as I was in the house I had better stay in until I could hear; and I went back in the house then.

Q. Did this man agree to go?—A. Yes, sir; he agreed to go.

Q. How far was Blount's house from you?—A. From my house it was about a mile and a half, I guess, the nearest way he could go.

Q. He was a colored man?—A. Yes, sir.

Q. Had he run for some office?—A. Yes, sir.

Q. What office was it?—A. He run for representative.

Q. Was he elected or not?—A. Well, another gentleman was seated.

Q. But Blount had the most votes?—A. I could not say positively.

Q. Was Blount voted for at these polling places where the boxes were carried off?—A. Yes, sir.

Q. They were in his district of election?—A. Yes, sir.

Q. Now, about your resigning. Did you ever receive a notice to resign your place?—A. Yes, sir; I received a notice to resign.

Q. When was that?—A. I received a notice the same day. I cannot remember exactly the date, but it was in November when I went up to qualify. I didn't know when the danger was coming on me, so I waited till about eight or nine o'clock to go to Brenham to take the oath of

office, and I rode pretty fast, with company, all along the way to get there, and from what I heard I didn't know where they expected to trip me up at, and I thought if I got there and taken the oath of office and qualified and dodged around awhile maybe perhaps they would agree to let me hold on.

Q. Who do you mean by "they"?—A. Well, whoever the person was who made the expression that I first told you about.

Q. This man who came to your house was a friend of yours, was he not?

The WITNESS. Which one do you speak of?

Mr. EVARTS. The one who came to your house and called you out.

The WITNESS. Yes, sir; he was a friend of mine.

Q. Was he a colored man?—A. Yes, sir.

Q. Who did he come from; who did he say he represented; who did he tell you were the people that were going to look after you?—A. Well, I would not like to tell the person's name, unless I was compelled to, that told him.

Q. Well, who were they, and what had they to do with the business; were they white men?

The WITNESS. That told him?

Mr. EVARTS. Yes.

A. No, sir; it was colored who told him. I can tell you how they said they found out. They said they overheard a conversation at the supper table.

Q. They overheard the conversation of whom?—A. Of the parties that was talking over what was going to happen or would happen to me and Blount.

Q. Were they white men?—A. They were white people.

Q. Democrats?—A. I couldn't say they were Democrats, because I didn't know their politics.

Q. Do you know their names?—A. Yes, sir; I know their names.

Q. Very well. When those names were told you, you knew that they represented the Democratic and the white opposition to you and the colored people, did you not?—A. Oh, those people who were speaking; I knew they were white people. I don't regard them as Democrats or Republicans. I don't know that they take much part in politics.

Q. Well, they were hostile to you and Blount, and the rest of you there; that you understood from what they said?—A. Yes, sir.

Q. Now, about your resigning after you had qualified. What was said to you, if anything, about your resigning?—A. Well, as I tell you, the day that I went up to qualify I left my horse around there at Mr. Jake News, a little commission merchant who advertises in Brenham there, and in the evening after I went back to get my horse I found tied to my saddle a note, and I taken it and looked at it to see what it was.

Q. What was it?—A. It was a note authorizing me to leave and not to fill the office.

Q. It warned you?—A. Yes, sir.

By Mr. SPOONER:

Q. Where is that note; have you got it?—A. I haven't got it with me; it is down where I board at.

Q. Have you got it here in the city?—A. Yes, sir.

Mr. SPOONER. Bring it up with you when you come up here the next time.

By Mr. EUSTIS:

Q. Was that note signed?—A. No, sir; there was no name signed to it.

Q. It did not scare you much, did it?—A. Well, I was already uneasy.

Q. Not on account of the note, were you?—A. I didn't know what to make of it. If it had been signed I would not have been as much uneasy as I was, because I think I could have got some of my friends to go to whoever it was who signed it and sort of talked or pleaded for me, because I was raised there in Washington County and I always tried to be mannerable to everybody, and some of them, I think, they would have pleaded for me.

Q. You qualified for your office, did you not?—A. Yes, sir.

Q. And you have been discharging the duties of that office?—A. Yes, sir; I have tried to the best of my ability.

Q. Whithout any disturbance from anybody?—A. There has no one disturbed me since I received this notice, you know. That was at the time I went to qualify. Of course I must say that there has several spoke to me and said that if they were me they would not fill it, but I didn't consider that was disturbing me.

Q. Perhaps those who spoke to you wanted to get the office themselves?—A. Well, they were white gentlemen.

Q. Was your nomination for this office indorsed by a precinct meeting?—A. Yes, sir; it was.

Q. Didn't that same meeting indorse John A. Vernon, a Democrat, over McAdoo, Republican?—A. The same meeting; yes, sir. Vernon ran on the ticket.

Q. Vernon was indorsed at that meeting?—A. Yes, sir.

Q. And he indorsed you?—A. Yes, sir.

Q. And Vernon is a Democrat, is he not?—A. Yes; I believe his politics is Democratic.

Q. Were not Vernon and McAdoo both candidates for indorsement at that meeting?—A. I didn't know anything of McAdoo being a candidate, not until a few hours before the meeting was called to order.

Q. Was not McAdoo's name presented for indorsement at that meeting?—A. It was.

Q. And Vernon's name was also presented?—A. Yes, sir.

Q. And was not Vernon, a Democrat, indorsed?—A. Vernon got the nomination.

Q. He was indorsed at that meeting?—A. Yes, sir.

Q. The meeting which indorsed your nomination?—A. Yes, sir.

By Mr. EVARTS:

Q. How was he indorsed; in any way except that he was nominated?—A. Well, I told them that he got the nomination.

Q. That is what you mean. Was he indorsed in any other way, except that he was nominated?—A. No, sir; in no other way.

Q. Who is Vernon, a popular man there?—A. Yes, sir, very popular.

Q. Is he a kind man?—A. Yes, sir; Mr. Vernon is very kind, so far as I know.

Q. He is a white man?—A. Yes, sir, he is a white man.

Q. He treats the colored men well?—A. Yes, sir; he is very kind to them.

By Mr. EUSTIS:

Q. Is he generally known as a Democrat?—A. Yes, sir, I suppose so.

By Mr. EVARTS:

Q. He was not in any of these raids?—A. No, sir; and from what they told me, he spoke very bitterly against them.

Q. Against what?—A. Against those raids.

Q. He was understood to be on your side, the colored people's side?—A. Yes, sir.

TESTIMONY OF F. M. NEWMAN.

F. M. NEWMAN, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Where do you reside?—Answer. I reside in Brenham, Texas.

Q. In the town?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived right in the town about ten months.

Q. Where else had you lived?—A. I had lived in the county all my life.

Q. What is your age?—A. I am twenty-six years old.

Q. Does your family live in that town?—A. Yes, sir.

Q. Are you yourself a married man?—A. No, sir.

Q. But your father's family are there in that county?—A. Yes, sir.

Q. And have long been residents there, I suppose?—A. Yes, sir.

Q. What are your political opinions; are you a Democrat or a Republican?—A. I am a Democrat.

Q. You remember this election which was held in November of last year?—A. Yes, sir.

Q. Was there considerable excitement among the people about there after this election?—A. I think there was.

Q. You know of a man being killed at one of the polls?—A. I heard of it.

Q. You knew that Bolton had been killed, did you not?—A. Yes, sir.

Q. Did you know about the ballot boxes having been carried away by men who interfered with them?—A. I heard that they were.

Q. It was understood about there that it happened, I suppose?—A. Yes, sir.

Q. Do you remember a meeting being held, what was called an indignation meeting, by the people there?

The WITNESS. At what place?

Mr. EVARTS. Well, wherever it was; Brenham, I suppose.

A. There was a meeting, I believe, called an indignation meeting, held at Brenham.

Q. About when was that?—A. As well as I remember it was two or three days after the election.

Q. How was it called or announced?—A. I understood that the citizens were going to have a meeting.

Q. Was it in the papers, a placard of it, or what?—A. I don't remember.

Q. The meeting was held, was it not? What time of day was it?—A. I believe it was held at 2 o'clock; I am not sure as to the time of day.

Q. Did you go to it?—A. Yes, sir; I attended it.

Q. How large a company was collected there?—A. I suppose there were 250 people. I cannot speak with exactness at all, but there was a room full.

Q. Was it crowded?—A. It was almost filled, I think, as well as I remember.

Q. How large a room is it; what is the name of the room?—A. It is called Eldredge's Hall.

Q. Was it a hall in which political meetings, public meetings, were held?—A. It is a hall that is used generally for public meetings, I think.

Q. It is the largest one there?—A. I think that it is.

Q. Did people come in from the neighboring country also?—A. I saw some from the country.

Q. Did they come on horseback?—A. Some came on horseback and some came in vehicles.

Q. Were they armed?—A. I do not know that they were armed at the meeting.

Q. No, but as you saw them on the streets?—A. I saw some men coming in on horseback with guns.

Q. Were they disguised at all?—A. No, sir.

By Mr. SPOONER:

Q. Were they all white men?—A. They were all white men that I noticed; there may have been others, though.

By Mr. EVARTS:

Q. In this hall were they all white men, too?—A. I do not remember. If there were any colored people there, they were very few.

Q. Who presided at that meeting?—A. I am not sure, but I believe a man named Hodde did. There was a crowd when I arrived.

Q. You think it was Henry Hodde?—A. Yes, sir; I think it was he, but I am not positive.

Q. Who was secretary of the meeting; anybody?—A. I do not know; I suppose so, but I am not sure.

Q. What was done at that meeting; were any resolutions offered?—A. I do not know that any written resolutions were offered.

Q. Was any speech made?—A. There were several speeches made.

Q. Who made those speeches?—A. Colonel Giddings made a speech, Judge Kirk made a speech, Harry Haines made a speech, Miles Felder made a speech, and, I think, other speeches were made, but I do not remember the names of the parties who made them.

Q. What was said in the speech, for instance, of Judge Kirk; what did he say?—A. Judge Kirk, I believe, offered a resolution, that is, a verbal resolution—that certain parties, I believe that he named Steve Hackworth, Carl Schutze, and a man by the name of Moore, and Lenny Gilder, and Ed. Lockitt, I believe—that the parties he named, and probably O. B. Potter (I am not sure whether Potter's name was included or not), in that they had made what he called incendiary speeches, that they be informed that they must be quiet—I have forgotten his exact words; that they must not make any more such speeches, and must be more quiet, or that a committee should instruct them to leave the county; and Judge Kirk offered that resolution and made a speech on the subject; I have forgotten what he said, though.

Q. But it was in favor of the resolution?—A. Yes, sir.

Q. Was the resolution adopted by the meeting?—A. I think it was not.

Q. What was said about it?—A. Colonel Giddings, I think, made a speech on the resolution, opposing the adoption of the resolution as Judge Kirk offered it, and I think offered a modified resolution.

Q. What was that modification?—A. I have forgotten the modification.

Q. Did it alter the resolution of Judge Kirk much?—A. It modified it considerably.

Q. In what way?—A. Well, as well as I remember, the committee were not instructed to inform these parties that they would have to leave the county in a certain length of time, whatever length of time Judge Kirk included in his motion, but that they were to take some steps in that line towards watching these parties, I believe; I have forgotten it exactly.

Q. Go on, as far as you can remember it.—A. I could not give Colonel Giddings' modified resolution. I believe it was to inform these men that they were not to make any more incendiary speeches, as they were called, or if they did they would have to leave the county, or something to that effect.

Q. That was the modification?—A. As well as I remember, it was.

Q. Did you ever hear one of those incendiary speeches spoken by those men?—A. I did not.

Q. You said somebody else made a speech besides those two gentlemen?—A. I said that Harry Haines made a speech.

Q. What did he say?—A. He said that when he first heard of the murder of Bolton that he said that he was for war; he thought it was a murder, and he went on and made a speech. I have forgotten what he said, though, only that language he used; that when he heard that Bolton had been murdered he said that his voice was for war.

Q. War against whom?—A. He did not say against whom.

Q. That was the purport of his speech, as far as you remember it?—A. He went on to speak about the political condition of the county, I believe, and said, as well as I remember, that the candidate of the People's ticket had been elected, and that he wanted to see them installed.

Q. Was anything said about these ballot-boxes that had been carried off?—A. Not that I remember.

Q. Well, there was some other gentleman who made a speech.—A. Miles Felder made a speech.

Q. What did he say?—A. Miles Felder said, as well as I remember, that the previous administration of Judge Kirk had been a great success, and that Judge Kirk was re-elected and that the good people wanted to see him have the office again.

Q. Was anything said about whether he had the most votes or not?—A. I did not hear anything said about that.

Q. Was there anybody interfering with his taking the office if he had the most votes?—A. Not that I know of.

Q. You voted, I suppose, for Judge Kirk?—A. Yes, sir.

Q. And the whole Democratic ticket whatever it was?—A. I voted for the whole People's ticket, with the exception of two or three negroes that were on the ticket.

Q. You scratched them off?—A. Yes, sir.

Q. And put white men in their places?—A. No, sir.

Q. When this meeting broke up the resolutions or proceedings were published, were they not?—A. I believe an account of the meeting was given in the county paper.

Q. How long after this did the excitement continue among the people there in the same direction with this meeting?—A. Well, there was what I call considerable excitement for some time.

Q. For some weeks?—A. Yes, sir; for several weeks.

Q. How did it come to an end; did it last until Mr. Hackworth, Mr. Schutze, and Mr. Moore left?—A. There was certainly considerable excitement when they left; that is, they were certainly excited considerably.

Q. Were not the people about there excited?—A. It seemed to me that they were. I heard a great deal of talk about the political situation.

Q. When and how were these men driven away?—A. I do not remember the exact date when they left, nor can I say they were driven away. It was generally understood that they were in danger and that they would have to leave, I believe.

Q. Were they not escorted?—A. Not that I know of; I did not see them escorted.

Q. Did you take any part in it yourself?—A. No, sir.

By Mr. PUGH:

Q. You say Judge Kirk was present at that meeting?—A. Yes, sir.

Q. Did he speak voluntarily without being called upon, or was he called upon to speak?—A. I do not remember.

Q. You do not remember that he was called on by the persons who got up the meeting?—A. I do not remember how it was. It is probable that he was, for most of the people who spoke were called on.

Q. Do you remember that Judge Kirk said anything about Mr. Potter and these men saying that they intended to enforce their rights at the muzzle of the shot-gun, and if that was the fact that they had better have this notice, that if they disturbed the peace and violated the law by resorting to force that they would have to be notified that such a thing would not be permitted in the county?—A. Judge Kirk spoke on that subject, but I cannot say what he said in his speech.

Q. You can remember what he said about the other matters, but you do not recollect what he said about that?—A. I have not, I believe, tried to repeat any of his speech; I have just tried to repeat his resolution.

Q. You say that he offered a resolution?—A. Yes, sir; he offered a resolution. It was not written that I saw, but just in the form of a motion.

Q. Will you undertake to repeat again, in brief, what the substance of that motion was?—A. As well as I remember, and as I said before, it was that these men whom I named who had been making incendiary speeches should be informed that if they did not cease making those speeches and be more quiet and not stir up the people that they would be notified to leave the county.

Q. What did he say was the foundation for that motion; upon what did he base that motion; did he make no statement of any reasons for such a motion?—A. He said that these men had been going among the negroes and stirring them up by these incendiary speeches, and he was afraid that they would become violent; he was afraid that these men would incite them to violence.

Q. Violence?—A. I do not know that that was his language, but as well as I remember that is the idea that he conveyed.

Q. Did he say anything that showed that his reason for making his motion was that the conduct and course and speeches and influence and work of these men were calculated to break the peace and get up a resort to violence?—A. That seemed to be the idea that Judge Kirk wanted to convey.

Q. And it was to preserve the peace and to prevent such occurrences that he made that motion to give this notice to these men?—A. I do not know that he stated it in that language. He said that these men had been stirring up the people, and that the quiet people would not allow it any longer.

Q. Was not the object he had in view by that motion and this notice to preserve the peace and prevent a resort to violence?

Mr. SPOONER. How can you tell what object Judge Kirk had in view, except by what he said?

The WITNESS. I cannot tell his object, as the gentleman says. I can tell as well as I remember what he said.

Q. I ask you if he did not say so before making that motion? Did he make no statement as to what these men were doing and saying?—

A. He said they were going among the negroes and making incendiary speeches.

Q. And he expressed the belief that what they were saying and doing would lead to a resort to violence?—A. I think he conveyed that idea.

Q. Do you say that Mr. Giddings made a speech on this occasion?—A. Yes, sir.

Q. What did he say, if anything, in reference to or in the way of counselling those who were present to keep the peace and to obey the law and to abide by a fair result of the election?—A. As well as I remember, Colonel Giddings in his speech said that the People's ticket was elected, and that the officers would be installed and would take their seats, and said, I believe, that all would go well. He made the most lengthy speech of any one, but I did not try to remember what he said. I believe that he spoke of the excitement among the negroes, and that the people would keep that down without any violence.

Q. Did he say anything about apprehended trouble from the negroes except on account of the influence of white men?—A. Not that I remember.

Q. Was there anything said about charging these white men with the use of language and speech-making and influence that would drive these negroes to violence which they would not resort to but for this influence?—A. I think he conveyed that idea; that all the excitement among the negroes was caused by speeches from these men.

Q. You never heard any of those speeches yourself?—A. No, sir; I did not hear any of the campaign speeches at all. All the political speeches I heard were made in Eldredge Hall.

By Mr. EVARTS:

Q. Did either of these gentlemen speaking at this meeting repeat anything that they said had been uttered in incendiary speeches by these men?—A. Not that I remember.

Q. Did they speak of any speeches except such as had been made in the campaign?—A. Not that I remember.

Q. Nothing then but the public speeches of these men, so far as you know, was found fault with in these speeches at the Eldredge Hall meeting?—A. That is all I heard him find fault with; that is all I remember.

Q. You say they spoke about the colored people being excited. Were the colored people about there excited?—A. Well, I was out on the street very little and was with the colored people very little, and I cannot say whether there was much excitement or not except from hearsay.

Q. Did the colored people make any raid on anybody?—A. Not that I know of.

Q. Or on the polls?—A. Not that I know of.

Q. Or on the ballot-boxes?—A. Not that I know of.

Q. Or against Judge Kirk or Mr. Giddings?—A. Not that I know of.

Q. Had you heard of the colored people warning any of the white people to go out of town?—A. Not that I know of. I had heard that some one had sent Judge Kirk notice to leave. I do not know whether he thinks the colored people sent it to him or not.

Q. Do you know anything about that yourself?—A. No, sir; I do not.

Mr. SPOONER. You know that he did not leave, do you not?

Q. "Stirring up" the colored people was the phrase used by these gentlemen at this meeting. Did you know of the colored people being stirred up?—A. I did not. I was not with the colored people any.

Q. Nor had you learned from the white people that they were stirred up, had you?—A. No, sir; except that they were some of them scared. That is all that I know about their being stirred up.

Q. Being scared did not tend to stir them up to a breach of the peace, did it?—A. I do not know about that. Perhaps you misunderstood me. I have heard a great many speak of the colored people rioting—they used that phrase—the day after; rioting against the whites.

Q. Who did you hear that from?—A. I could not say who I heard it from.

Q. You did not hear it from any of the colored people?—A. I do not think I did.

Q. You did not hear it from any of these white people who were friendly to the colored people, did you?—A. I may have heard them talking about it. I only heard it talked of; I cannot say what parties I heard speak of it.

Q. Are you not pretty sure that whatever you heard was from these people out there who showed their feelings at this Eldredge Hall meeting?—A. No, sir; I could not say. I just heard it talked of, and I heard a great number of people talk, but I could not say from whom I heard it.

Q. But you associated and talked with people that were of the same feeling that this Eldredge Hall meeting developed?—A. Yes, sir.

Q. Well, do you know of any outbreak on the part of the colored people there against the whites?—A. I do not.

By Mr. SPOONER :

Q. The principal talk at this meeting was in regard to what was called the murder of Bolton, was it not?—A. Yes, sir.

Q. He was eulogized as a peaceable, law-abiding citizen, was he not?—A. I think he was to some extent.

Q. By the speakers generally?—A. I think so. They called him a good citizen and a peaceable citizen.

Q. Was there any condemnation expressed at that meeting by any speaker of men who had raided the ballot-boxes or polls and taken ballot-boxes in that county at that election?—A. I do not remember any one condemning anybody for it.

Q. Did you ever see that notice that was served on Judge Kirk to leave?—A. I do not think I did.

Q. Have you heard about its being shown around town by Judge Kirk?—A. Yes, sir.

Q. Do you know who wrote it?—A. No, sir.

Q. Have you seen it since you came here?—A. I have not seen it at all.

Q. Have you heard who wrote it?—A. I do not suppose any one knows. I have heard several suppositions about it.

Q. Do those several suppositions point to one man as having written it, or to different men?—A. I believe some three or four persons I have heard speak of it said that one man wrote it.

Q. Who was that?—A. Mr. Rodgers.

Q. The Democratic county attorney?—A. Yes, sir.

Q. A friend of Judge Kirk's?—A. Yes, sir. I cannot say that he wrote it, nor that that was the general opinion. I believe all the men whom I heard speak of it said that they thought Mr. Rodgers wrote it.

By Mr. EVARTS:

Q. Is Rodgers hostile to Judge Kirk?—A. Not that I know of.

Mr. PUGH. Do you consider that proper evidence; what another man says he believes another one did say? What use is expected to be made of that sort of evidence? It cannot be dignified with the name of evidence, surely.

Mr. EVARTS. It shows the state of feeling. It is brought up here as feeling against Judge Kirk; that he had been notified to leave; and we trace it to Mr. Rodgers as the apparent author of it.

The WITNESS. I believe that I have heard some of Judge Kirk's friends say, however, that Mr. Rodgers did not write it.

By Mr. PUGH:

Q. The gentlemen who expressed their belief that Mr. Rodgers had written it, did they assign any reason for their belief, any personal knowledge of the fact or not?—A. Those who said so thought it was just a joke that Mr. Rodgers was getting off on Judge Kirk, and that it looked like Mr. Rodgers's handwriting.

Q. You say they said it looked like his handwriting?—A. That is what I heard some say.

Q. Do you know Mr. Rodgers's handwriting?—A. No, sir; I do not.

Q. Will you name any one who expressed the belief that Mr. Rodgers wrote it?—A. Mr. O. L. Eddins, a young lawyer in Brenham, said so.

Q. Does he live in Brenham?—A. Yes, sir.

Q. Do you remember any one else?—A. I think Mr. Jodon said that it was; I am not sure, but I think he did.

Q. Do you remember any one else?—A. I think I heard others say so, but I could not say positively. It seems to me I heard others say they thought it was a joke which Mr. Rodgers tried to get off on Judge Kirk, though Judge Kirk's friends, some of them, said that Mr. Rodgers did not write it.

By Mr. SPOONER:

Q. Did you hear a gentleman named Ewing say that he did write it?—A. I am not sure. I was thinking of that gentleman, but I am not sure that I heard him say so. It is probable that I did.

By Mr. EVARTS:

Q. Those were Democrats who said this, were they not; white men and Democrats?—A. Mr. Eddins claims to be a Democrat and so does Mr. Ewing. They never voted any other ticket, so they say.

Q. And Mr. Jodon?—A. I do not know what ticket Mr. Jodon votes.

Q. He is a Democrat, I understand.

Mr. JODON. I am a Prohibitionist, and voted for men on both tickets.

Mr. EVARTS. But originally you were a Democrat?

Mr. JODON. Yes, sir; and was in the Southern army

By Mr. PUGH :

Q. Do you know how those persons voted in that election ?

The WITNESS. Which persons ?

Mr. PUGH. The ones you have named as saying they believed that Mr. Rodgers wrote that notice ?

A. Mr. Eddins, I say, has admitted he voted for the people's ticket, only he scratched several names off of it.

Q. Do you remember whether Judge Kirk's name was on the ticket ?—

A. He scratched Judge Kirk's name off.

Q. Did any of the others whom you heard say they believed Mr. Rodgers wrote that notice vote for Judge Kirk ?—A. I do not know of any one who voted for Judge Kirk who said Mr. Rodgers wrote it.

The subcommittee then adjourned until Friday, February 18, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C.,

Friday, February 18, 1887.

The subcommittee met at 10.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF FRANK NEWMAN (recalled).

FRANK NEWMAN was then recalled and further examined.

By Mr. EVARTS :

Question. There is a topic that I did not introduce before, and it is thought worth while that you speak upon it. How much did you know or see of the transaction in which these three colored men were hanged ?—Answer. I did not see any of the hanging at all. I saw the negroes after they were hung ; I saw them hanging.

Q. Where were they hanged ?—A. They were hanged something over a mile north of Brenham.

Q. At what sort of a place ?—A. They were all hanged to a limb of a pecan tree.

Q. Near the road ?—A. Yes, sir ; right by the road.

Q. So that these figures hanging there could be seen from the road ?—A. Very well.

Q. When did you first personally see those figures hanging there, these dead men ?—A. I saw them the morning after they were hung.

Q. At what hour were you there ?—A. I suppose about 8 o'clock.

Q. In the morning ?—A. Yes, sir.

Q. Did you see a crowd there ?—A. There was a considerable crowd.

Q. That went out from Brenham ?—A. I suppose they went from Brenham.

Q. You went out from Brenham ?—A. Yes, sir.

Q. And you went with them ?—A. I did not go with any particular one. I saw a great number on the road going.

Q. But you were on the same road with those people ?—A. I was.

Q. It had been heard of in the town ?—A. Yes, sir.

Q. When was it first heard of in the town ?—A. I heard of it a short while after sunrise.

Q. And then a good many people went out there ?—A. Yes, sir.

Q. You were one of the people who went out ?—A. Yes, sir.

Q. What occurred after you reached the spot; what did you see?—A. I saw the negroes hanging; that is all I saw. There was a great number of people around there.

Q. What else did you see; were they cut down?—A. Yes, sir.

Q. Who did that?—A. I was one who helped take them down.

Q. What then happened about the dead bodies?—A. They were carried into the city to the jail, where they were examined.

Q. That is where the bodies were examined?—A. Yes, sir.

Q. By a coroner?—A. By the justice of the peace who acts as coroner.

Q. Were any witnesses examined?—A. They were examined during the day.

Q. Before this magistrate; this officer?—A. Yes, sir.

Q. Were you present at any part of that examination?—A. I was present at the whole examination.

Q. Were you examined?—A. I was not.

Q. You heard the examination?—A. Yes, sir.

Q. Were you one of the coroner's jury?—A. I was.

Q. How large was that jury?—A. Six, I believe.

Q. Did you come to a verdict there?—A. We did.

Q. What was the verdict you rendered?—A. That the negroes were hung by parties to us unknown.

Q. And that was all that you found?—A. That was the verdict as near as I can remember.

Q. Was any evidence given before you, as near as you can remember—I do not mean to repeat it—but was there evidence given tending to show who it was who had taken part in this affair?—A. No evidence that was given in showed who did it.

Q. There was none?—A. No, sir.

Q. Was the jailor examined?—A. Yes, sir.

Q. Were the prison guards examined?—A. Yes, sir; three of them I believe were examined; I suppose they were, all that were there.

Q. Just look at this paper and see if that is an original record of the proceedings which took place at that time [handing paper to witness]?—A. (After examining paper.) This seems to be the record of the proceedings. This is the verdict, for I wrote that myself.

Q. You wrote the verdict; it is in your handwriting?—A. Yes, sir.

Q. And the signatures are yours and others?—A. Yes, sir.

Q. Genuine signatures?—A. Yes, sir; my signature is there.

Q. You have spoken of a meeting of the citizens at Eldridge's Hall; you told us about it yesterday?—A. Yes, sir.

Q. I do not wish you to repeat anything that occurred there, but was there a meeting held prior to that, a preliminary meeting somewhere?—A. Not that I know of; not that I remember.

Q. Was there an assembly of any number of men to appoint a committee?—A. If there was I did not attend and know nothing of it.

Q. Then I will go back to this Eldridge Hall meeting which I supposed was exhausted. Do you now remember whether in this resolution that was offered and talked about there it fixed a term or limit within which these men were to be required to leave?—A. I believe some time was stated, but I have forgotten the time.

Q. Well, you think a time was named?—A. I believe that it was.

Q. Can you not recall what the term or limit allowed for leaving was?—A. No, sir, I do not remember.

Q. Can you remember within what range it was, whether it was within a week or so?—A. I think it was within a week.

Q. Was it shorter than that?—A. I cannot say.

Q. But you think it was within a week that they were to be required to leave?—A. Yes, sir.

Q. When those resolutions were spoken to and adopted, was there any manifestation of applause or approval by the crowd there assembled?—A. I think there was some applause.

Q. Was there any dissent to them?—A. Not that I noticed.

Mr. EVARTS. We will consider this record of the evidence taken at the coroner's inquest as before the committee if we want to use it.

By Mr. PUGH:

Q. Who was the justice of the peace under whose authority this inquest was held?—A. Mr. Hackworth.

Q. How is he related to the Mr. Hackworth here present, the petitioner in this case?—A. I think that they are brothers.

Q. How long had Mr. Hackworth been justice of the peace in that place?—A. I think he had been justice two years preceding this time. I am not sure as to that, but I think he had.

Q. About two years?—A. Yes, sir.

Q. How long did that investigation last?

The WITNESS. Do you mean the investigation of the jury of inquest?

Mr. PUGH. Yes.

A. They continued there one day, that is the day the negroes were discovered hanging, and were adjourned to meet on another day, and were in session for an hour or such a matter.

Q. What was the object of the adjournment over to another day; why was it adjourned over to a later day; to enable them to find proof?—

A. To enable them to get some evidence.

Q. What length of time was spent in the effort to find some evidence?—

A. I cannot say what effort each one of the jurymen exercised in finding evidence.

Q. I say what length of time was spent in the effort to find some proof?—A. I do not exactly understand what you mean.

Q. How many days was it between the adjournment and the meeting of the jury of inquest?—A. I think it was about three days.

Q. And during those three days were you endeavoring to find proof to identify the parties who did this hanging?—A. I suppose that we were.

Q. When they met, you say that they were in session only an hour or two?—A. Yes, sir.

Mr. EVARTS. Do you mean the first meeting?

Mr. PUGH. No, the second meeting.

Q. They were in session the whole day at the first meeting, were they not?—A. Yes, sir.

Q. And you say that this jury of inquest was unable to find any evidence of who did this hanging?—A. Yes, sir..

Q. Unable to find any proof?

Mr. EVARTS. I think he said he did not know what efforts were made, but he supposed they were made, but no results were produced. here shows that.

By Mr. PUGH:

Mr. PUGH. There was no finding by the jury anyway. The verdict

Q. The jury did not find any one who did it?—A. No, sir.

Q. You wrote that verdict, and you were on the jury?—A. Yes, sir.

Q. And you state that there was no evidence identifying anybody as the criminal?—A. There was no evidence pointing to any particular person or persons.

Q. What is the politics of the justice of the peace who held the inquest?—A. I think he is a Republican.

Q. He was a Republican when he was elected and was a Republican when this inquest was held?—A. That is what I think.

Q. What is the politics of the jury of inquest?—A. Some of them were Democrats, I know, but I cannot say whether any them were Republicans or not.

Q. What are your politics?—A. I am a Democrat.

Q. Did you make an honest effort to find out who did this hanging?—A. I made all the inquiry that I could. I had no opportunity of finding out who did it.

Q. Did all the jury do the same thing?—A. I suppose they did; the law requires them do so.

Q. Well, you discharged your duty honestly?—A. I tried to.

By Mr. EVARTS:

Q. Did you know either of these colored men who were hung?—A. No, sir; I never saw them before that I know of.

Q. Just look at the body of this report of the jury and say in whose handwriting it is.—A. I think Mr. Rodgers wrote it. I speak more from remembrance than from the handwriting; I have seen very little of Mr. Rodgers's handwriting.

Q. Who was Mr. Rodgers?—A. Mr. Rodgers is the county attorney.

Q. He is a Democrat?—A. I think that he is.

Q. We might as well get the name of this man Hackworth. Do you know what his name is?—A. R. P. Hackworth, I think.

Q. Do you know what his full name is?—A. No, sir; I think he is called Riggs Hackworth.

TESTIMONY OF CHARLES BAUER.

CHARLES BAUER, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Where do you live?—Answer. I live at Burton, Washington County, Texas.

Q. How long have you lived there?—A. I have lived there twelve years.

Q. Where had you lived before that?—A. I have been living in Fayette County, the adjoining county.

Q. Are you a native of Texas?—A. No, sir.

Q. You have lived there since you were young?—A. No, sir; I have been living there twenty-one years.

Q. Where did you come from?—A. I came from Philadelphia, Pa.

Q. Did you know of these election matters when they took place, or soon after, in that county?—A. Yes, sir.

Q. Of what politics are you or were you at that time?—A. Well, during the election I was one of the judges of election.

Q. At what polls?—A. At the Burton box.

Q. And what political party do you act with?—A. I am a Republican.

Q. And have been for how long?—A. Well for a number of years, ever since I came to this county.

Q. You are a native of Germany?—A. Yes, sir.

Q. Are there a good many Germans living in that neighborhood?—
A. Oh, yes, sir; there are a good many living there.

Q. Now, after this occurrence of the polls being invaded, and this homicide of Bolton, and the hanging of these men, did you take part in any meeting of citizens on the subject of the feeling and action out there?—A. Yes sir; I was on a committee at one of those indignation meetings that were held there at Burton; I was appointed one of the committee of the indignation meeting.

Q. This meeting was held at Burton?—A. Yes sir.

Q. When was it called; about what time in reference to these transactions?—A. I think it was on the 7th or 8th of December, or about that time.

Q. Was it after this meeting had been at Eldridge Hall in Brenham?—A. Yes, sir.

Q. And you knew of that meeting having been held?—A. At Brenham? Yes, I heard of it.

Q. How was this meeting at Burton called, and by whom?—A. It was simply called by the citizens to express their indignation in regard to these outrages, outrages which had been committed lately or recently before that meeting.

Q. And the meeting was collected in what hall at Burton?—A. It is what is called the Grangers' Hall.

Q. It is a large hall?—A. No, sir, it is not a large hall; it is about the size of this room.

Q. Was it a place used for public meetings there?—A. Yes, sir; it is used for that.

Q. Burton is a small town?—A. Burton itself is a small place; yes, sir.

Q. What occurred at that meeting; what was said and done there?—A. Well, the citizens simply met to draft resolutions to condemn those actions, those outrages, the hanging and such as that, and the running of men out of the county.

Q. How many men were there?—A. Between seventy-five and a hundred, perhaps, or about that number.

Q. Were they Republicans, all of them?—A. No, sir; it was a meeting of good, law-abiding citizens, disregarding politics—Republicans and Democrats.

Q. It was not called for Republicans, but for any citizens?—A. Yes, sir; just for citizens generally.

Q. As a matter of fact, in this assembly were they all Republicans, or mostly Republicans, or how was it; were there others there who were not Republicans?—A. I expect there were. There were probably more Republicans, but there were prominent Democrats there, which probably made up for the number of Republicans who were there.

Q. Then it was a fair meeting held without regard to politics?—A. Certainly, a meeting of all law-abiding citizens.

Q. Who presided there?—A. Mr. Charles Weeren was the presiding officer.

Q. Is he a German also?—A. Yes, sir.

Q. Is he a Republican?—A. Yes, sir.

Q. Was there a secretary?—A. Yes, sir.

Q. Who was he?—A. Mr. Charles Homeyer.

Q. Is he a German also?—A. No, sir; he was born in this country. He is of German descent.

Q. What was the tone of the feeling expressed there; were there any resolutions passed?—A. Yes, sir.

Q. Have you a copy of them?—A. Yes, sir; I have.

Q. Let us see them.

(The witness produced a copy of the resolutions called for, as printed in a newspaper.)

Q. I will ask you if this is a correct statement, in this newspaper, of what occurred, and of the resolutions?—A. Yes, sir; except that my name is misprinted in there.

Q. This paper is dated the 10th of December. Is it a weekly paper?—A. No, sir; it is a daily paper.

Q. This notice was published on the 10th of December, and the meeting, I think you said, was held on the 8th?—A. The meeting I think was held on the 8th, the 7th or 8th.

Q. And this gives a correct statement, does it?—A. Yes, sir.

Q. According to this newspaper publication these resolutions commenced in this way: "Whereas, it having come to our knowledge that Mr. Joe Hoffmann, assessor of taxes for our county, duly and constitutionally elected by the people of Washington County on November 2, 1886, as well as other citizens of this county, have been given written notice to leave the county within a certain number of days, by some party or parties unknown to us, signing their communications 'Citizens'" — But I will not read any further now. Was Mr. Hoffmann at this meeting?—A. No, sir; he was not there; I do not think he was; I am not sure.

Q. Did you know of the fact that Mr. Hoffmann had received a notice of this kind?—A. Yes, sir.

Q. How did it come to your knowledge?—A. Well, I am a personal friend to him, and he showed it to me.

Q. And have you any copy of that notice?—A. No, sir; I have not.

Q. Now it is spoken of here as "other citizens" as well as Mr. Hoffmann having been given notice to leave the county. Had you knowledge, personal knowledge, of other citizens having been notified in this way?—A. Well, we heard that other citizens had received a notice of about the same character, citizens of Brenham and vicinity.

Q. Were these facts about Hoffmann and other citizens, in regard to this notice served upon them, stated at this meeting?—A. Yes, sir; it was stated.

Q. By citizens there?—A. Yes, sir.

Q. Publicly?—A. Yes, sir.

Q. Was any contradiction made there at this meeting questioning the fact that these notices had been given to Hoffmann and others?—A. No, sir.

Q. Was there any Democrat there who questioned that fact?—A. There were Democrats there, but I don't remember that there was any dispute about it. It seemed to have been generally understood that it was the fact that all these parties had received them.

Q. And it was not disputed there at all?—A. No, sir; it was not.

Q. The next recital is, "Whereas our county has been unfortunately the scene of mob law and other violence within the last few days, thereby creating a feeling of insecurity to one's own life and property, as well as that of their families." Was that subject talked about there?—A. Yes, sir.

Q. Was there any doubt or dissent on that subject there?—A. No, sir.

Q. It continues: "Whereas that such crimes and unlawfulness committed within the bounds and upon the soil of good old Washington County, the banner county of the State —" How was Washington

County the banner county of the State?—A. It was supposed to be one of the best, most thickly settled, and richest counties of the State.

Q. And that was not doubted by anybody at this meeting?—A. No, sir.

By Mr. PUGH:

Q. Was not Washington County the county where the first declaration of independence of Texas was made, at the capital of the Republic?—A. Yes, sir.

By Mr. EVARTS:

Q. These were the resolutions that you adopted there:

Resolved, That we, the citizens of Burton and vicinity, do hereby express our utmost indignation and contempt at such actions, and condemn them as being contrary to the peace and dignity of our good old county, thereby injuring us morally, socially, and intellectually, and tending to depreciate the value of property in our county.

Were those subjects talked about there?—A. Yes, sir.

Q. And agreed to?—A. Yes, sir.

Q. Did anybody dissent from those opinions?—A. No, sir; they were read afterwards.

Q. But in the speeches that were made did anybody qualify or detract from those views as presented?—A. No, sir.

Q. It continues:

Resolved, That if such actions of unlawfulness be permitted by the good citizens, it will result in a general financial embarrassment, cause our good, peaceable, law-abiding citizens to move from its soil as well as to cause a halt to all immigration that might be tending this way.

Were those topics insisted upon and concurred in by the people there?

The WITNESS. I do not understand your question.

Mr. EVARTS. I read these resolutions and you heard them about its affecting immigration and so forth.

A. Yes, sir.

Q. I ask if what is expressed in this last resolution I read formed a part of the topics presented to the meeting and agreed to by them?—A. Well, of course there are a good many men there who do not own property there, and some of them expressed themselves that they would move out of this county.

Q. Those that had property?—A. Men who had no property, and renters and such as that. Men who had property said they intended to sell out and leave the county.

Q. That was the feeling of the meeting?—A. Yes, sir.

Q. Did anybody dissent or disagree with such opinions?—A. No, sir.

Q. Then it proceeds to say:

Resolved, That we, as citizens of this county, as stated, do hereby propose to protect the life and property of all the officers lately elected in our county as well as any other good citizen, as far as in our power, and hereby beseech the aid of all good, law-abiding citizens in our behalf.

That was adopted as a resolution there?—A. Yes, sir.

Q. And did the speakers agree in that view?—A. Yes, sir. It was read to the meeting.

Q. Was there much feeling and earnestness among the citizens on this subject?—A. Yes, sir.

Q. Then the next resolution provides for publishing this, and this publication was made in consequence of that?—A. Yes, sir.

Q. This is the Galveston Daily News in which it is published. It is not a local paper?—A. No, sir.

Q. Is this a Democratic paper?—A. Yes, sir.

Q. One of the principal papers?—A. Yes, sir; one of the principal papers in the State of Texas.

Q. Did the Democratic paper at Brenham publish this, do you know?—A. Well, it was resolved in the meeting that a copy should be sent to the Brenham Banner, to the Galveston News, and to each county paper.

Q. Do you know whether the Brenham Banner published or refused to publish it?—A. They refused to publish it.

The following is the publication in the Galveston Daily News of Friday, December 10, 1886, referred to by the witness:

BURTON, TEX., *December 9.*

A public indignation meeting was held here yesterday, composed of about seventy-five white law-abiding citizens of Burton and vicinity, irrespective of party, which organized by electing Mr. Charles. Weeren chairman and C. W. Homeyer secretary. After the object of the meeting was explained, upon motion, a committee of six was appointed to draft resolutions condemning the present deplorable lawlessness in our county, when the meeting adjourned until 3 o'clock in the evening, to await the report of the committee. When the meeting was again called the following resolutions were read and unanimously adopted:

Whereas it having come to our knowledge that Mr. Joe Hoffman, assessor of taxes for our county, duly and constitutionally elected by the people of Washington County, on November 2, 1886, as well as other citizens of this county, have been given written notice to leave the county within a certain number of days, by some party or parties unknown to us, signing their communication Citizens; and

Whereas our county has been unfortunately the scene of mob law and other violence within the last few days, thereby creating a feeling of insecurity to one's own life and property, as well as that of their families; and

Whereas that such crimes and unlawfulness committed within the bounds and upon the soil of good old Washington County, the banner county of the State, be it

Resolved, That we, the citizens of Burton and vicinity, do hereby express our utmost indignation and contempt at such actions, and condemn them as being contrary to the peace and dignity of our good old county, thereby injuring us morally, socially, and intellectually, and tending to depreciate the value of property in our county; and be it

Resolved, That if such actions of unlawfulness be permitted by the good citizens, it will result in a general financial embarrassment, cause our good, peaceable, law-abiding citizens to move from its soil, as well as to cause a halt to all immigration that might be tending this way.

Resolved, That we, as citizens of this county, as stated, do hereby propose to protect the life and property of all the officers lately elected in our county, as well as any other good citizen, as far as in our power, and hereby beseech the aid of all good law-abiding citizens in our behalf.

Resolved, That a copy of this report be sent to each of our county papers, as well as to the Galveston News, with the request for publication.

All of which we respectfully submit.

J. T. SHELBY,
F. A. HOMEYER,
C. F. JENSEN,
CHARLES BAILER,
F. B. ELLIOT,
THOS. WATSON,

Committee.

The WITNESS. I have here a copy of the Brenham Banner alluding to this subject [producing a newspaper and handing it to Mr. Evarts].

Mr. EVARTS. Well, I suppose we will refer to this. In the course of it it states that they would not publish this, but it has its own comments, and so forth. You will leave this copy with us?

The WITNESS. Yes, sir.

By Mr. EVARTS:

Q. This committee whose names are signed here to these resolutions I see were six in number. How many of those are Republicans and how

many of them Democrats?—A. I think there were two Republicans and the balance Democrats, or three Republicans probably.

Q. One of these names is Charles Bailer. That is a mistake of Charles Bauer, being yourself?—A. Yes, sir, that is a misprint; that ought to be my name.

Q. Where did Mr. Joe Hoffmann live?—A. He lives at Burton.

Q. What was his business?—A. He is assessor of the county.

Q. Was anything done by Mr. Hoffmann or his friends in protecting him against this notice and warning he had received?—A. Yes, sir.

Q. What was done?—A. We appointed men to guard him in the evening. Every night a few men were there about him to guard him.

Q. Of your citizens there?—A. Yes, sir. They went on guard at night to protect him, his property and family.

Q. How long was that continued?—A. Perhaps ten or twelve days or so; I do not know exactly how many days; perhaps two weeks; I am not certain about it.

Q. Were you one of the number who went?—A. No, sir.

Q. What happened which led to their discontinuing that or induced the citizens to think it was not necessary to continue it any longer?—A. Finally the excitement died out, and we thought it was not necessary any longer.

By Mr. PUGH:

Q. It was this notice that Mr. Hoffmann received that caused this uneasiness, this apprehension of danger to him; it was this threatening notice that he had received that caused the apprehension that he was in danger, was it not?—A. Well, that notice, and as others had already left; others had received notices and left.

Q. These notices were sent to several?—A. Yes, sir.

Q. Well, one or two or three men might write all those notices, might they not?—A. Perhaps so.

Q. You say that this meeting was made up without regard to party?—A. Yes, sir.

Q. Of the best people on both sides?—A. Yes, sir.

Q. Representative Republicans and representative Democrats?—A. Yes, sir.

Q. Who were on this committee which drafted these resolutions?—A. The names of the parties are printed there; there were six of them, I believe.

Q. Do you know who wrote that resolution?—A. Oh, yes; I know who wrote it.

Q. Who?—A. The writing personally was done by Mr. Thomas Watson.

Q. Who dictated the resolution?—A. Well the committee was there, and we just worked it out.

Q. Did the Democrats have anything to do with dictating it or drafting it?—A. Mr. Watson was a Democrat himself, and we were all there.

Q. And he took the suggestions of the other members of the committee and made some himself, did he not?—A. Partly; yes, sir.

Q. That was the joint work of the committee, as the expression of the feeling of that meeting?—A. Yes, sir.

Q. Mr. Hoffmann got his certificate of election, did he not?—A. I expect so.

Q. Is he not serving there now?—A. Yes, sir; he is serving there now.

Q. He has not been disturbed, has he?—A. No, sir, not after that.

Q. He has been in no danger—at least, there has been no attempt made to do him bodily harm or injury?—A. I have not heard of any.

Q. He is there in the enjoyment of his office, is he?—A. Yes, sir.

Q. How long has he been in that county?—A. I could not tell you.

Q. How long have you known him there?—A. I have been knowing him twelve years.

Q. You say that is a populous county, the county of Washington?—A. Yes, sir.

Q. What is the condition of that county now; it is an agricultural county, is it not?—A. Yes, sir; it is an agricultural county.

Q. What is its condition now?—A. Well, it is like it is all over Texas; it is mighty dull.

Q. It is just like every other county, is it?—A. Yes, sir; like every other county, I suppose.

Q. It is all quiet and peaceable there now?—A. It has not been so very quiet lately.

Q. Has there been any disturbance there?—A. There has been, not recently, but about the election or before the election, or after the election, I think it was; about and after the election.

Q. Do you hear of any disturbances in other parts of the country during elections?—A. I have heard about them; yes, sir.

Q. Is it uncommon for people to become excited in the contests for office; is that unusual?—A. No. Well, I have not been to any gathering at all; I have not been to any speaking at or about the election at all, and I could not tell you about that.

Q. How many German voters are there in that county?—A. That is more than I can tell.

Q. What is your best judgment or opinion about that, as to the number?—A. In the whole county? I could not tell you.

Q. They are Republicans mostly, the German population, I mean?—A. Generally, I should say.

Q. Pretty generally?—A. Yes, sir.

By Mr. SPOONER:

Q. This was a Republican county, was it not?—A. I could not even say that it was all over Republican.

By Mr. PUGH:

Q. Did the People's ticket command the support of any of the Republicans?—A. Oh, yes, sir; a good many of the Republicans voted the People's ticket.

Q. Did you vote for any of the candidates on the People's ticket?—A. I have voted the People's ticket slightly, always. I have scratched always the People's ticket.

Q. Was there any organization made up, before the election, of Republicans and Democrats for the purpose of electing the People's ticket?—A. There was a petition handed around to sign, and at that time a good many signed that petition, and of course felt bound to vote. That was before the Republicans made the nominations.

Q. Was there not a joint effort made by Republicans and Democrats at several places in the county to get up a joint support of the People's ticket?—A. That is more than I could tell. I did not know anything about that.

By Mr. EVARTS:

Q. There was a Chapel Hill outrage two years ago, was there not?—A. Yes, sir; I have heard about it.

Q. After that, and down to the time of this trouble in December last, was there a peaceable feeling there in politics in the community, or was there a disturbed feeling?—A. Regarding the elections, the offices, there was no disturbance. I mean there was no trouble among the candidates, the officers or anything; at least I have not heard of any.

Q. Was there shooting about there, and bulldozing or anything of that kind?—A. Not in regard to the elections. There was a good deal of shooting carried on otherwise.

Q. About what?—A. For instance, at balls and social gatherings.

Q. A good deal of violence of that kind?—Yes, sir.

Q. And among the people in that neighborhood?—A. Yes, sir.

Q. Has that improved since this last election?—A. No; I could not say that it has.

Q. It is still the same, is it?—A. Yes, sir; it is still the same.

Q. Are there a good many violent people there?—A. Yes, sir; we have a good many of that kind—rowdies.

Q. Who make disturbance at social gatherings?—A. Yes, sir.

Q. What day did you leave your town in Texas to come here?—A. I left Wednesday a week ago.

Q. Were things peaceable there when you left?—A. Oh, yes, sir; everything was peaceable when I left there.

Q. How long before you left had this investigation by the Senate been known out there?—A. In fact I was summoned Monday, and before that I only heard some reports that it would come up in the Senate.

By Mr. PUGH:

Q. Will you state how long the Republicans had had the control of the county government of Washington?—A. I could not state that; I have not taken much interest in it.

Q. What was the cause of the Democrats and the Republicans uniting to get up a people's ticket; why was that movement made and what was the reason for it?—A. Also I could not state that; I do not know.

Q. What had been the government of the county by those Republican officials for some time before last year?—A. I could not state anything about it; I never did meddle much with politics.

Q. Are you a farmer?—A. No, sir; I have been in the lumber business and general merchandising and a public mill.

By Mr. EVARTS:

Q. I will ask you another question. Do you know or did you know at this time W. I. Jackson, a deputy sheriff?—A. Yes, sir.

Q. Where did he live?—A. He lived at the same place, at Burton.

Q. While these things were going on, and before this meeting of yours, did this deputy sheriff make any declarations or statements about the Republicans leaving there?—A. Well, sir, while we had that meeting a citizen remarked that Mr. Jackson had made threats towards Mr. Hoffman that he had to leave, and there was a committee appointed to ask him what he knew of it, what it was. I was one of the committee, and I asked him what it was, and he said that Mr. Hoffman had to leave the county too, and I asked him what reason he could give for that, and he said just simply general talk, judging from general talk.

Q. Was it Jackson who told you this?—A. Yes, sir.

Q. He is a Democrat?—A. Yes, sir.

Q. What did he say about Republicans generally having to leave, or was it confined to Hoffman?—A. The others had already left.

Q. Who had left?—A. Mr. Schutze, Mr. Hackworth, and Mr. Moore.

Q. And it was after they had left that you had this talk with the deputy sheriff and he said that Mr. Hoffman would have to leave?—A. Yes, sir.

By Mr. PUGH:

Q. How long did Jackson remain deputy sheriff after he made those remarks?—A. I do not know. I learned that he was discharged, but I do not know it, though.

Q. He was discharged?—A. Yes, sir.

Q. Who discharged him?—A. I expect the sheriff did; I suppose so.

Q. What were the politics of the sheriff who discharged Jackson?—A. He is a Democrat.

By Mr. EVARTS:

Q. He lived in Brenham?

The WITNESS; Mr. Jackson?

Mr. EVARTS. No; the sheriff.

A. Yes, the sheriff lives in Brenham, I believe.

Mr. SPOONER. I would like to recall a witness for a moment who was on the stand yesterday.

TESTIMONY OF GEORGE W. BROWN (recalled).

GEORGE W. BROWN (colored) was recalled and further examined.

By Mr. SPOONER:

Question. Have you seen the paper which I now show you, before this time [handing a slip of paper to the witness]?—Answer. Yes, sir.

Q. Where did you first see it?—A. I first seen that paper tied to my saddle.

Q. Is this the paper that you testified yesterday was found tied to your saddle?—A. Yes, sir.

Q. Was this before you qualified for the office you hold, or after?—A. It was just after, on the same day.

Q. It has been in your possession ever since?—A. Yes, sir; I have had it folded up and have carried it in my pocket all the time.

Mr. SPOONER. I will read what is on this paper:

“George W. Brown. As Republicanism is dead, dead, in Washington County, you better resign and leave the county, or you will be killed”—with a picture of a cocked gun at the bottom of it.

By Mr. EVARTS:

Q. You do not know who wrote that?—A. No, sir; I do not know who wrote it.

By Mr. PUGH:

Q. Did you qualify as commissioner, and get into office?—A. Yes, sir; I did.

Q. Have you been acting ever since?—A. Yes, sir.

Q. You did not resign?—A. No, sir; I did not resign.

Q. Nobody drove you off?—A. No, sir; nobody ever drove me off yet.

Q. You have not seen that man who wrote you that note, have you?—A. I do not know, sir; probably I have, but I didn't know him.

Q. He did not disturb you, did he?—A. There ain't no one disturbed me yet.

Mr. SPOONER. It did not make you feel very comfortable, did it, to receive that?

A. No, sir; it did not.

TESTIMONY OF A. G. SCOTT (recalled).

A. G. SCOTT (colored) was recalled and further examined.

Mr. EVARTS. Mr. Scott was examined yesterday, and says that in the report of his testimony which he has seen (I suppose it was in a newspaper), there has been a misstatement or misunderstanding of what he said, and he wants to make a correction or statement about what he said yesterday, or what the paper represents him to have said.

The WITNESS. I noticed this morning in the report of yesterday that it was stated——

By Mr. EVARTS:

Question. What paper did you see the statement in?—Answer. I saw it in the Washington Star.

Q. The Star of yesterday?—A. Yes, sir. The report stated that I said I advised the people from the pulpit to vote the Democratic ticket. I never said that. I said that I advised the people in the pulpit not to go away; that Miles Felder said they were in no danger. That is what I state, and what I intended to state.

By Mr. PUGH:

Q. Did you advise the people of your church to vote for Judge Kirk?—A. I advised them privately; that is, I had conversations with them; but I did not advise them from the pulpit, as the paper stated.

Q. You did advise them, though, to vote for Judge Kirk?—A. Yes, sir; I did privately; but I did not from the pulpit.

Q. Let me ask you why you gave that advice?—A. Because I thought he was a proper man for the office.

Q. You thought he was a proper man for the office; had he been in the office?—A. He had.

Q. How had he discharged his duty in the office?—A. In my judgment he had discharged it faithfully.

Q. In regard to those people who had been in that office before him, how had they discharged their duty?—A. As far as the judge was concerned, I never knew any complaint. The judge that was judge before Mr. Kirk was died, and the county commissioners supplied his vacancy until the election at which time Judge Kirk was elected.

Mr. EVARTS. We had all this yesterday.

The WITNESS. Other officers of the county, though, we were dissatisfied with their transactions.

Q. You were not satisfied with the way the other officers had administered?—A. One particularly, the county treasurer, had created a dissatisfaction generally throughout the county.

Q. Who was he?—A. His name was C. C. Leib.

Q. He was a Republican, was he?—A. That was his profession in politics.

Q. Do you recollect how much he fell behind as treasurer; he defaulted for how much; do you remember about that?—A. I take the Brenham Banner, and I remember reading in the Brenham Banner about it, and I think it was stated it was between twenty-two and twenty-four thousand dollars.

Q. He was behind from twenty-two to twenty-four thousand dollars as treasurer of the county?—A. That is what the Brenham Banner stated.

Q. Did you ever get any knowledge afterwards about that being the fact; how did it turn out?—A. He was convicted in our courts for it; I judge from that.

Q. He was convicted in the courts as a defaulter?—A. Yes, sir; as a defaulter, and I judge from that it was true.

By Mr. EVARTS:

Q. That was the only complaint that you had to make of the Republican administration there, was it not?—A. That was all.

Q. In regard to this county treasurer?—A. That was all I heard of defalcation; all that I know of or heard of.

By Mr. SPOONER:

Q. You testified yesterday as to speeches you heard during the campaign?—A. Yes, sir; I said something about speeches.

Q. You heard the Republican speeches that were made?—A. I heard Republican and Democratic speeches.

Q. As I recollect your testimony, you stated that you heard no Republican speeches in which this question of social equality between the whites and blacks was taken up?—A. I said I heard of no incendiary speeches being made by the Republicans, more than what I taken to be about equal, with the exceptions of one made by one minister in behalf of, or who was advocating the People's ticket, J. R. Brown. That was the only one that I heard of that stirred up the feelings of the colored people in my town.

Q. You heard Judge Kirk make a speech?—A. Oh, yes, sir; several speeches.

Q. Did you hear him make a speech on the subject of social equality between the white and colored people?—A. I never heard him make any speech concerning social equality, more than just in his court-room, and so forth.

Q. What speech did you speak to me about yesterday afternoon that you heard Judge Kirk make?—A. That was as justice in his court; I heard him say that Judge McFarland, the district judge——

Q. A Republican?—A. Yes, sir; the Republican judge; that judge McFarland separated the people in his court.

Q. So that the black people were on one side and the white people on the other side of the court-room?—A. Yes, sir.

Q. And that he, Judge Kirk, did not make any such distinction?—A. Yes, sir; that he did not make any discrimination; I heard him say that.

TESTIMONY OF O. B. POTTER.

O. B. POTTER, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your name?—Answer. O. B. Potter.

Q. Where do you reside?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. Fourteen years.

Q. Where did you go from to Texas?—A. I went from Ohio.

Q. How old a man are you?—A. I am sixty-four years old.

Q. Are you a man of family?—A. I have no wife, but I have some daughters and a son in Washington County, Texas.

Q. Are you a real estate holder in that county?—A. Yes, sir.

Q. What are you in politics, a Democrat or Republican?—A. A Republican.

Q. Did you take any part in the political campaign resulting in the election on November 2 last in Washington County?—A. Yes, sir; I did take some part in it.

Q. You were one of the leading Republicans of the county, were you not?—A. Well, perhaps I am considered so.

Q. Were you officially connected with the campaign in behalf of Republicans?—A. No, sir.

Q. What is the general political complexion of that county, or what had it been up to that time?—A. Well, we think we have from 1,500 to 2,000 majority there.

Q. Republican majority?—A. Yes, sir; we have from 1,200 to 1,500 certain.

Q. Which party has elected the county officials there since the war, usually?—A. The Republicans, generally.

Q. To what extent have there been exceptions to that rule?—A. Sometimes there has been an individual Democrat elected, while the Republicans have elected their general ticket; and two years ago the People's ticket, as it was called, was elected; the entire People's ticket, I believe; my recollection of it is now that the entire People's ticket was elected; I may be mistaken, but most of them were elected, anyhow.

Q. Was there a Democratic ticket run at that election, or was there one in the field at that election?—A. No; the Democratic ticket was named the People's ticket.

Q. That is what I want to get at. How many tickets were in the field then?—A. The Republican ticket and the People's ticket.

Q. The People's ticket is the ticket for which the Democrats, as a rule, voted?—A. Yes, sir; that is the way I understood it.

Q. There was in that campaign a split in the Republican ranks?—A. Yes, sir; there was a man named Moore who ran for sheriff as an independent candidate.

Q. He was a Republican?—A. Yes, sir.

Q. Mr. Harvin was the straight Republican nominee for sheriff?—A. Yes, sir.

Q. Who was candidate for that office on what was called the People's ticket?—A. A man named Dever.

Q. And he was elected?—A. Yes, sir.

Q. A Democrat?—A. Yes, sir.

Q. You heard, did you not, at that last election of outrages upon the ballot-box in some of the precincts?—A. Yes, sir; I heard that the ballot-box was taken at Flewellen's gin, at Graball, and at Lott's Store, three places.

Q. Were those Republican polling places?—A. Yes, sir; so considered, I learn.

Q. And had been so, in fact, always?—A. Yes, sir; they always had been, so far as I know.

Q. They were in what is known as the black belt?—A. Yes, sir; composed largely of colored voters.

Q. You lived at Brenham?—A. Yes, sir; I lived at the town of Brenham.

Q. That is the county seat?—A. Yes, sir.

Q. Do you know of any efforts, or did you hear of any efforts, having been made to discover the perpetrators of those outrages?—A. I never have heard of any attempt of that kind being made.

Q. Did you ever hear of any rewards having been offered by the governor of the State or by the county officials?—A. I never heard of any.

Q. Some negroes, not long after the election, were hanged, were they not?—A. It was so reported; I did not see them; I suppose they were. It was generally reported, and I have no doubt about it.

Q. How many of them were hung?—A. Three of them.

Q. Have you lived in Brenham ever since that occurrence?—A. No, sir; not ever since.

Q. Have you lived there most of the time since?—A. Yes, sir. I was gone from there eight days since this occurrence.

Q. Do you know whether any effort was made to discover the perpetrators of that hanging?—A. I do not think there was; I never heard of any.

Q. You never heard of any reward being offered by the governor of the State or the county officials for the discovery of the men who hung those negroes?—A. No, sir; I never heard of any effort being made in any direction to discover the perpetrators.

Q. Have you known of any notices being served on men in that county instructing them within a given time to leave the county?—A. Yes, sir; I have known of several, and have seen several of them.

Q. Tell us what you know about that.—A. I can give you my notice if you want it.

Q. One was served upon you?—A. Yes, sir; this one [handing a paper to Mr. Spooner].

Q. When was that sent to you?—A. I cannot say; the date of it is there, but I do not recollect it.

Q. Is this the identical paper?—A. Yes, sir.

Q. Just as it came?—A. Yes, sir.

Q. With this broad band of mourning around it?—A. Yes, sir; exactly like that. It has not been changed a particle.

Q. This is dated December 21.—A. I do not recollect the date.

Q. You did not stop to study the date?—A. No, sir; I was somewhat excited. I judge that is the 21st.

Mr. SPOONER. I will read it.

BREHAM, December 21.

O. B. POTTER :

SIR: We have been waiting for some time for you to arrange your business and leave this county. This is to notify you that if you persist in staying here many days longer you will be dealt with in a very severe manner.

CITIZENS W. Co.

By Mr. SPOONER :

Q. This signature, "Citizens W. Co.," I understand means Washington County?—A. Yes, sir.

Q. You have had that in your possession ever since you received it?—A. No, sir; I gave it Mr. Fricke, and I suppose he sent it to Mr. Hackworth.

Q. But that is the original paper?—A. Yes, sir.

Q. How did you get the paper originally?—A. It came through the post-office.

Q. Do you know who wrote it?—A. I suppose it must have been——

Q. But do you know who wrote it?—A. No, sir.

Q. Or who sent it?—A. No, sir; I do not. It is signed "Citizens."

Q. Do you know to what extent notices were served upon others to leave the county at or about that time?—A. I know there was one served, possibly not just at that time, but one was served on Joe Hoffmann that I saw, and one on a colored man there named Harry Kell that I saw, and one on Mr. Brown that I saw, similar to that, only it did not have the mourning, it had a gun.

Q. You mean George W. Brown?—A. Yes, sir; the man who was elected county commissioner.

Q. Who else?—A. I do not now recollect. I think I saw others, but I do not recall them to mind.

Q. Do you recall to mind an instance of such a notice being served on any Democrat in the county?—A. I heard there was a notice served on Judge Kirk.

Q. Any other?—A. No, sir; no other.

Q. Do you know anything about that notice said to have been served on Judge Kirk?—A. No, sir; I do not know a thing about it; I never saw it.

Q. Judge Kirk is the Democratic county judge?—A. Yes, sir.

Q. And was a candidate at that election for re-election?—A. Yes, sir.

Q. Do you know of a notice having been served on Mr. Jodon?—A. Yes, sir; I saw his notice, too. I had forgotten that.

Q. But you had not known of any notice being served on any Democrat except Judge Kirk?—A. I do not recollect any.

Q. Did you ever see the notice that was served on Judge Kirk?—A. No, sir; I never have seen it.

Q. Was there a meeting held at Brenham after the election?—A. Yes, sir; there was a meeting held at Eldredge's hall, in Brenham, after the election.

Q. Did you attend that meeting?—A. No, sir.

Q. Do you know of any Republicans who attended it?—A. I do not.

Q. Do you know under whose auspices the meeting was called and held?—A. I understood it to be a meeting of the Democrats of the county there and that neighborhood—the surrounding county; that was my understanding of it.

Q. What was your understanding as to the object and purpose of the meeting?—A. My understanding of the purpose of the meeting was to see what was to be done with those Republicans—"scalawags," as they called them—who had been inciting insurrection and rebellion and all that kind of thing, as they claimed.

Q. Had there been any insurrection or rebellion?—A. Not that I know of.

Q. Had there been any uprising among the negroes?—A. Not that I know of.

Q. Had there been any threatened uprising among the negroes?—A. Not that I know of.

Q. Had there been, to your knowledge, any violence except the raiding of the ballot-boxes and the hanging of those colored men?—A. None, except the shooting of Bolton.

Q. He was one of the men who raided the ballot-box?—A. Yes, sir; he was one of the men, I understand.

Q. When was this Eldredge Hall meeting held?—A. I think it was on Friday. The election was on Tuesday, and my recollection is it was on Friday afterwards.

Q. That would be November 5?—A. Yes, sir.

Q. Did you see any armed men come into Brenham that day?—A. Yes, sir; my office is right on the street, and I was sitting there reading—

Q. What is your business?—A. I am a livery-stable keeper. As I say, there passed my office twenty-five or thirty men; I do not really know how many; I did not count them.

Q. Were they mounted men?—A. Some were on horseback and some in carriages, but they were mostly on horseback, and all of them, I recollect, had guns; some had shot-guns and some had rifles, I suppose.

Q. Did you recognize any of them?—A. Yes; I recognized some of them. I suppose I knew them all, but I cannot remember now all the parties who were there.

Q. Were there any Republicans among them?—A. I did not see any.

Q. They were all Democrats?—A. I thought so. I think I knew them all, or nearly all, but I cannot now remember all of them.

Q. Did you have any talk with Judge Kirk about the ordering of Republicans to leave the county?—A. Yes; about my own special case.

Q. What talk did you have with him about yourself?—A. I went to him and asked him about it. I told him that I supposed he knew, and that I would like to have him tell me candidly what my chances were there, whether I was in danger or not. I took him out of his office, asked him to come out, and we went out by ourselves, and he made this reply to me, that it was understood in the community there that I was trying to dispose of my property and get away as soon as I could, and if I did that he did not think I was in any danger.

Q. Did he say anything about any other Republicans?—A. No, sir. I did not inquire of him about any other parties.

Q. Do you know a Mr. Lewis Bryan?—A. Yes, sir; very well.

Q. Who is he?—A. He was a prominent Democrat there.

Q. One of the leaders?—A. Yes, sir; one of the leaders, as I understand it.

Q. What is his business?—A. He is a lawyer.

Q. Did you have any talk with him about your remaining in the county?—A. Yes, sir; I was very uneasy, and I went right from Judge Kirk's office to Mr. Lewis Bryan, and asked him similar, or about the same, questions, and he made a similar reply, or very much the same that Judge Kirk had made, and said, in connection with that, that he had helped Mr. Hackworth dispose of his property, had helped to get a purchaser for it, and helped him to get away, and he said it was with difficulty that he could keep the mob off him.

Q. Do you know anything about the circumstances under which Mr. Hackworth left there?—A. Only by hearsay.

Q. Tell what you know about it by common report.—A. It was understood by everybody and talked by everybody that he would be killed if he did not leave, that is, by everybody who I heard say anything about it. They said he was in imminent danger. I heard Republicans and Democrats say so, and talked about it with them.

Q. How long had Mr. Hackworth lived there?—A. He was there when I came there. I do not know how much longer he had been there.

Q. What was his business?—A. He was in the real-estate business. He was settling a colony down below there and had real estate to sell.

Q. Did he own property there?—A. Yes, sir, a house and lot; and I do not know but two lots.

Q. A man of family?—A. Yes, sir; a man of family.

Q. What crime had he committed, that you know of, that he should not be permitted to live in that county?—A. Not any that I ever heard of.

Q. He was a reputable man, was he?—A. So far as I knew. I know he was disliked very much by the opposite party.

Q. He was an active Republican, was he not?—A. Yes, sir; an active Republican, a good organizer, and a good political manager.

Q. And made speeches?—A. Yes, sir.

Q. Had he committed any other offense that you are aware of except making Republican speeches and organizing for Republican success in the county?—A. Not that I ever heard of.

Q. Did you make speeches during the campaign?—A. Yes, sir; some.

Q. Did you hear other Republican speeches?—A. I heard a great many, nearly all that were made—that is, not all, but mostly all—the great majority of those that were made except in the German neighborhood, where the speeches were made sometimes in German and sometimes in English, and I went very little to those meetings.

Q. Were those speeches calculated to excite hatred and opposition among the colored people and the whites?—A. Why, no, sir; I think they were right to the contrary. I have heard Mr. Hackworth frequently advise them that under no circumstances were they to get into any difficulty with the whites.

Q. Were your meetings joint meetings on any occasion with the Democrats, at which there were Democratic speeches?—A. So far as I know the situation was this: The Republicans, in the first place, did not intend to make a canvass at all; that was the calculation in convention. I was at the convention, and they concluded there that they would not have any public canvass and have no public speaking at all. But we heard, and were hearing all the time, that the Democratic candidates were having meetings all over the county in various places, backwards and forwards, and we finally concluded that we had better have some meetings of our own.

Q. You concluded to have an open campaign?—A. Yes, sir, to make an open canvass, and I think it was about five weeks before the election that we commenced our canvass. Then we called meetings. We had a chairman, you know, in every precinct, a precinct chairman, and they would call a meeting, and we would attend that, and the Democratic candidates would generally come there and insist upon a division of time, and they generally got it.

Q. The speeches, I suppose, were the ordinary Republican speeches, such as had been made in the campaign preceding this one, were they not?—A. Yes, sir; the object of our speeches was to try to prove and show to the people that we were appealing to that they were better off in the hands of the Republicans than they were in the hands of the Democrats; that a Republican county administration would subserve their interests best. That was the order of the speeches.

Q. Did you hear any speeches made by Democrats bearing upon the question of social equality as between the whites and blacks, in comparing the Republican with the Democratic party in that respect?—A. Yes, sir.

Q. If you heard such speeches during that campaign by whom were they made?—A. I have heard Mr. Kirk in his speeches say, and I think Mr. Rogers, too, if I am not mistaken—

Q. Who was Mr. Rogers?—A. He was the man who ran for county attorney.

Q. A Democrat?—A. Yes, sir. I heard Mr. Kirk in speeches more than once, I think, say that our Republican district judge divided the court-house, the district court-room, and made the colored men sit on

one side and the whites on the other, but that in his court-room they were allowed to mix up together and sit anywhere they pleased.

Q. Did you leave town in consequence of the notice you received?—

A. No; not in consequence of this written notice that I received. The reason that I left town was that I inquired of a man, a Democrat there who I thought was my friend, what he thought of my chances there, whether there was any danger of my being killed. I made that inquiry of him in the morning, and he told me he would investigate the matter that day and let me know in the evening. He said he knew all the boys, and he could find out all about it. Well, in the evening, after dark, he came to my office and he said, "Mr. Potter, I am posted now; I can tell you all about it." I said, "How is it?" "Well," he says, "your life ain't worth a straw," or something to that effect, or "it isn't worth a nickel," perhaps he said, or something to that effect. "And," he says, "don't you remain here another night; don't you stay here to dispose of your property; let somebody else do that. Your property don't amount to anything in comparison with your life. Now you go away from here, and do it at once." Thereupon I did go away the next day.

Q. Did you know anything of intimidation or terrorism in the county being brought to bear about election time, or at any time, in relation to the election or voting by Democrats, upon Republicans, white or black, other than what you have testified to?—A. No; I do not know that I do. I do not recollect any particular cases.

Q. How was the election in Brenham on election day; quiet and peaceable?—A. Well, generally so, I believe. I think Mr. Kirk and Mr. Moore had some trouble on that day; some high words and rough talk.

Q. At the polls?—A. Yes, sir; at the polls.

Q. What time of day was it?—A. I don't recollect; in the afternoon, perhaps; along about 3 o'clock, or perhaps later than that.

Q. What time do your polls close?—A. At 6 o'clock.

Q. What was the last time you saw Judge Kirk on election day?—

A. I do not think I saw him after that.

Q. What time of day was that?—A. That was, as I say, about 3 or 4 o'clock; I cannot recollect exactly the time.

Q. How far is Flewellen post-office or polling place from Brenham?—

A. If you go directly to the Flewellen polling place from Brenham I suppose it is probably fifteen miles or may be more, perhaps eighteen miles. I do not know the exact distance.

Q. How do you go from Brenham; can you go by rail?—A. No; you cannot get there by rail; you have to go there on horseback or by buggy, or by some conveyance of that sort; there is no public conveyance which goes there.

Q. Do you know Mr. Schutze?—A. Yes, sir.

Q. Do you know anything about his leaving Brenham?—A. Nearly all I know about his leaving Brenham is from hearsay. I know that he did leave there.

Q. Did he leave as Mr. Hackworth left?—A. Yes, sir; the common report was that he was dodging there; that he left his office and slipped out for fear he would be assassinated.

Q. He is a German?—A. Yes, sir.

Q. What is his business?—A. He was a lawyer, and ran a German paper there.

Q. A Republican paper?—A. Yes, sir.

Q. Mr. Schutze was a Republican?—A. Yes, sir.

Q. The leading Republican in the county?—A. One of the leading ones.

Q. A man of good character?—A. So far as I know his character was all right. There were some things about Schutze's moral character that people objected to, as I have heard; but so far as his legal transactions outside of that were concerned, I never heard anybody find fault with them.

Q. He did not differ in any respect from many men who do live in Brenham, and who live there peaceably and quietly?—A. No, sir.

Q. Did he make any speeches during that campaign?—A. No, sir; not that I heard of; I do not think he did. If he did, I did not hear of them or hear them.

Q. Do you know of his attending a single political meeting during that campaign?—A. I do not know that he did, and I doubt whether he did attend one.

Q. How many Republicans and Democrats since the war had there been there prior to this election in that county?—A. I could not state as to that before I came there.

Q. But since you came there?—A. Since I came there, fourteen years ago, it has been all Republican every year, a Republican administration up until two years ago.

Q. There had been two years before this election, or within two years, a defalcation by a Republican county officer?—A. Yes, sir; Mr. Leib, the county treasurer, defaulted there.

Q. Had there been any other occurrence of the kind?—A. Yes, sir; Mr. Harvin had defaulted. He was county collector, and he defaulted for some considerable amount.

Q. How long before that, had that occurred?—A. I think that was four years ago.

Q. He had paid that all up, had he not?—A. So I understand. That was the understanding I think, that it was settled all up.

Q. Had there been any other defalcations in the Republican administration of the county, or anything of that kind?—A. Not that I know of; I do not recollect now of any others.

Q. Were you present at a meeting at Cedar Hill during that campaign?—A. Yes, sir.

Q. About when was that?—A. I cannot recall the date.

Q. Was it early in the campaign?—A. Yes, sir; early in the canvass. It was the second meeting I attended in the canvass.

Q. Was it a called meeting?—A. Yes, sir; I so understood.

Q. Called by whom; the Republicans?—A. I do not know, but I so understood.

Q. Did you go there to make a speech as a Republican?—A. I went there as a Republican; I do not know whether I made a speech or not.

Q. Was it advertised as a Republican meeting?—A. Yes, sir; regarded as a Republican meeting and had a Republican chairman.

Q. What justice's precinct is Cedar Hill in?—A. I really cannot tell.

Q. Was that meeting interfered with in any way or broken up?—A. Yes; you might say it was broken up. There had been several speeches made, and among the rest Judge Kirk made a speech, and Mr. Hackworth got up to make a speech, and some colored man, I forget his name now, crowded up there and said he would speak, and he would not allow Mr. Hackworth to speak. Mr. Hackworth was recognized by the chair, but he would not allow him to speak, and thereupon quite a confusion arose. The meeting was largely made up of Germans and some of the

colored vote, and they just took their lights and went out of the house.

Q. Was there any violence?—A. No; there was no violence.

Q. Were any pistols drawn, or anything of that kind?—A. That I cannot say. I heard there was, but I did not see any. I was not near enough so that I could see. But the meeting went out and assembled on the street, and Mr. Hackworth made his speech on the street.

Q. Did Judge Kirk take any part in the disturbance?—A. I do not know that he did; I do not recollect that he did.

By Mr. PUGH:

Q. Mr. Hackworth and Mr. Schutze left on account of the danger they were in if they remained there, I understood you to say?—A. So I understood it.

Q. When this Democratic friend of yours told you that your life was not worth a shuck and that you would not live a night if you remained there, you acted on that information just as Mr. Hackworth and Mr. Schutze did, did you not?—A. I went away; yes, sir.

Q. You say you left?—A. Yes, sir; I went away.

Q. How long did you remain away?—A. I remained away eight days.

Q. Then you came back?—A. Yes, sir; I came back.

Q. And you have been there ever since?—A. Yes, sir; I have been there ever since.

Q. You have not been murdered?—A. That does not seem to have been the case.

Q. Has any attempt been made to murder you?—A. Not that I know of. I heard, if you want to know——

Q. Have you ever seen any sign of your being in danger?—A. I will tell you, if you will permit me. That same man who told me that, told me that a certain man there had made up a plot to kill me, and would have killed me one night if he had not been deterred by other folks; that the plot was all made, and the time set for him to kill me, and that he durst not tell me until after that man was killed. That man was killed on the street there afterwards in a personal difficulty.

Q. The same man who was going to kill you?—A. Yes, sir.

Q. What was the difficulty between you and that man who was going to kill you?—A. He was a Democrat and I was a Republican.

Q. No other feeling between you?—A. Not that I know of.

Q. You came back in eight days and have been there ever since?—A. Yes, sir.

Q. Are you alarmed now to remain there?—A. I do not feel alarmed now; no, sir.

Q. How many active and influential Republicans are there in Brenham?

The WITNESS. In the town of Brenham?

Mr. PUGH. Yes; according to your best judgment.

The WITNESS. Do you mean white Republicans?

Mr. PUGH. Yes; white or colored.

A. Well, there are a good many quite influential Republicans in the town.

Q. There are a good many quite influential Republicans in the town; are they all white or mixed or colored?—A. There are some colored ones who are quite active in politics.

Q. And some whites who are quite active in politics?—A. Yes, sir.

Q. They are active and influential Republicans, are they?—A. Yes, sir; there are a good many; several of that kind.

Q. They are there in Brenham, and have been all the time, have they?—A. Some of them have and some of them have not.

Q. Well, where are they?—A. Some of them are here.

Q. You understand what I mean. Those citizens that were there as active and influential Republicans; are they citizens there now in the enjoyment of their property and pursuits?—A. Some of them are, as I said.

Q. Who has left?

The WITNESS. Who has left there?

Mr. PUGH. Yes; who have gone away from there?

A. There is Mr. Hackworth, and Mr. Schutze, and Mr. Moore.

Q. You have stated that Hackworth and Schutze and Moore left; now, I want to know about that; you say there are a great many—A. I did not say a great many; I said there were quite a number.

Q. There are quite a number of Republicans, active and influential, in Brenham now, and have been all the time?—A. Why, yes; several that never have gone away.

Q. Have they ever received any notice to leave?—A. Some of them have.

Q. How many have received such notice?—A. I think Mr. Jodon has.

Q. You have stated that several times.—A. You asked me how many.

Q. I mean how many more have received notices besides those you have stated?—A. I suppose, all told, there has been among those who left and those who staid, a dozen notices given.

Q. How many Republicans are in Brenham, according to your best judgment?

The WITNESS. The Republicans all told?

Mr. PUGH. Yes.

A. There are a good many.

Q. What do you mean by "a good many"; 10, or 100, or 500, or what?—A. I think there is a Republican majority in the town of Brenham.

Q. How many votes do you poll there?—A. I think we have polled as high as 800.

Q. Are as many as 500 of them Republicans?—A. Probably not quite that much; we have 450 Republicans, perhaps; I do not know how many, but there are a good many Republicans there.

Q. Well, they are there yet, and have been all the time, enjoying their property and their pursuits and voting as they please?—A. Quite a large number of those Republicans have not much property.

Q. You have not answered my question.—A. I will answer it.

Q. I want you to answer my question as I put it.—A. I will, as near as I can.

Q. How do you answer that question that these 400 Republicans are still there enjoying their property and their pursuits and exercising their privileges as citizens as they please?

The WITNESS. You want to know if they are?

Mr. PUGH. Yes.

A. Yes, sir; I think so.

Q. They are?—A. Yes, sir.

Q. Outside of Brenham, at these places where these ballot-boxes were destroyed, how many Republicans are there active and influential?—A. I could not say.

Q. Have you any information on that subject?—A. I have not, particularly. I suppose there are a good many, but I do not know.

Q. There are really, you think, a good many Republicans?—A. Yes, sir.

Q. You say it was a Republican beat?—A. All those places.

Q. All of them had Republican majorities?—A. I think so.

Q. Are those Republicans still there, active and influential men?—A. No, sir; not many of them. A great many of them are, but a great many have left there.

Q. Where have they gone?—A. Some have gone to one place and some have gone to another. I hear they have left; I do not know that personally.

Q. Well, there are a good many active and influential Republicans in every beat in Washington County, are there not?—A. I do not know that there are a great many active and influential Republicans in any of those beats.

Q. How many have left those beats that you have heard of?—A. I only know by hearsay. I have heard a great many have left those beats.

Q. Where have they gone to, out of Texas?—A. No, a great many of them I have understood have gone below in Missouri, and the lower counties down there, Fort Bend and Missouri.

By Mr. SPOONER:

Q. You mean Missouri County and Fort Bend County?—A. Yes, sir; mostly gone to Fort Bend County.

By Mr. PUGH:

Q. You say there has been no effort at all to prosecute those people?—A. Not that I have ever heard, except I might possibly qualify that by the statement that there were some of us summoned before the grand jury of the United States court after we had been summoned here.

Q. Were you there all the time except the eight days that you left?—A. All the time.

Q. Is there a district judge in that county?—A. There is.

Q. That court could have arrested anybody for a crime, could it not, that State court?—A. I presume so; I do not know why not.

Q. Did you ever go to that judge to have this thing investigated?—A. No, sir.

Q. Did you go to the solicitor or whatever you call him?—A. To the district attorney? No, sir; I did not.

Q. Did you make any effort to have this thing investigated and these people found out and punished?—A. No, sir.

Q. Did you know of any other Republican who made any effort in that direction?—A. No, sir.

Q. Were you not as much bound to do it as a Democrat would be?—A. Well, the Democrats could, and I could not; that is about the difference.

Q. I want to know how that is?—A. Because I was afraid to do it, and any other Republican was.

Q. How was it with all the balance of the Republicans?—A. We were all in the same box.

Q. You have talked to all of them?—A. Yes, sir; to nearly all of them, to all about Brenham I mean.

Q. How is it that you all remain in a county where crime is allowed to go unpunished, where you are afraid to appeal to the law to protect society and property and life and so on?—A. I will tell you why I remain there if you will permit me to do so.

Q. Very well?—A. I have got a property there that I could not get 50 cents on the dollar for, and I do not like to leave it, but I sleep with a shot-gun at the head of my bed and have for two months. That is why and how I remain there.

Q. Wouldn't you think you could get more for your property if people were so anxious for you to leave?—A. The trouble about our town and county is that business is completely paralyzed and property does not sell. Nobody can sell property as far as I know. Business is entirely paralyzed there,

Q. Is it so all over Texas?—A. I am not sure; I am not able to say.

Q. So far as your opinion extends, how is it in other counties?—A. Times are hard everywhere, but not so much so, not so completely paralyzed as it is there.

Q. What paralyzed it in Washington County?—A. There are several reasons for it, in my judgment. We have had short crops there for two or three years, and then I think this political excitement has more to do with it than short crops has.

Q. When did this political excitement have this effect you have been speaking of?—A. Ever since the election.

Q. Then it did not exist before that?—A. Not so much so; no, sir.

Q. Property has gone down, then, since these occurrences in the county?—A. I think so, materially.

Q. It has gone down 50 cents on the dollar?—A. Perhaps not fully that much in that time, but it is impossible to sell property at all; so far as I know, there is none selling.

Q. For what reason?—A. I just told you the reason.

Q. Is the money there to buy it?—A. I do not know. I am sure I could not tell what other folks have; I haven't much, I know.

Q. Is the district judge there a Democrat or a Republican?—A. Judge McFarland has been considered a Republican, I believe, always.

Q. That is to say, the judge of the State district court is a Republican?—A. Yes, sir.

Q. When was he elected?—A. He was elected two years ago, I think; that is my recollection of it. He has been judge there for two or three terms, I believe.

Q. Who has been the county clerk there?—A. The county clerk, Hugh Lewis.

Q. What are his politics?—A. He is a Democrat.

Q. How long has he been in that office?—A. Indeed I cannot say; I think he has been there a good while.

Q. He has been there many years?—A. He has been there as much as three or four terms, I think; I cannot recollect distinctly.

Q. How about the sheriff? Who is the sheriff?—A. The sheriff there is Mr. Dever, a Democrat.

Q. How long has he been in office?—A. This is his second term. He has been in office two years.

Q. And how about the county solicitor, or whatever you call him?

The WITNESS. The county attorney?

Mr. PUGH. Yes.

A. Well, the county attorney has been a Democrat.

Q. For how long?—A. I cannot recollect. There was a Democrat named Haynes some years ago who was district attorney, but I cannot recollect how they succeeded one another, and now there is a man named Rogers, a Democrat, who is county attorney.

Q. Then you make a mistake in saying that all the county officers were Republican up to the last year?

Mr. SPOONER. He did not say that; he said except now and then a Democrat.

The WITNESS. I did not say that.

Mr. SPOONER. I would like to have the reporter read that portion of the testimony.

The reporter read the portion of the witness's testimony referred to.

By Mr. PUGH:

Q. We have inquired about the county solicitor and the county clerk; now I want to inquire about the county treasurer. How many times has a Democrat served as a county treasurer?—A. I cannot remember. Mr. Leib was the man who was the defaulter. He was the county treasurer, and was a Republican, of course. I cannot remember who was county treasurer before Leib, now. I cannot recollect distinctly about that.

Q. But there was a Democratic county treasurer before the People's ticket was elected?—A. I think Mr. Minkwitz was the county treasurer, and he is a kind of independent in politics.

Q. A sort of people's man?—A. I do not think he claims to be a Democrat.

Q. How long has Mr. Minkwitz been living in Washington County?—A. I do not really know how long he has been living in Brenham. My recollection is that he was there when I went there. I could not say positively, but that is my recollection of it; I think he has been there ever since I have been there.

Q. Have you ever stated to any one that this notice you received you thought came from a personal enemy of yours, and that it did not alarm you?—A. No, sir.

Q. Have you any objection to giving the name of the Democrat who told you that your life was not worth a shuck, and that you had better leave there and not stay any longer?—A. Of course, I can tell his name, but I prefer not to tell it because I told him at the time that I never would mention it.

Q. Well, I will not insist on it. Did you state to Fritz Fisher, of Brenham, that this notice you received came from a personal enemy, and that you were not alarmed by it?—A. No, sir. I will state here, though, that the notice did not alarm me very much, that is, the written notice; not as much as the personal notice.

By Mr. SPOONER:

Q. Of the Republicans of Brenham (I speak now of the town of Brenham) you say there were about 400 Republican voters?—A. Yes, sir; I suppose so. I would like to say one thing right here, if you will permit me to say it. My recollection about the county officers along back is somewhat at fault from the fact that I never mixed in politics until within the last two years. I did not pay any attention to them. I voted, but took no particular stock in it one way or the other.

Q. Of these Republicans in Brenham how many take an active leading part in political campaigns?

The WITNESS. Do you mean the Republicans who lived in Brenham?

Mr. SPOONER. No. Of the Republicans in Brenham, who were the leaders, who made speeches and held meetings to promote, actively and personally, the success of the campaign?—A. The white ones were Paul Fricke, Stephen Hackworth, and Joe Hoffman (who did not live in Brenham, but lived in Burton, and took an active part in the canvass), and myself. Those are about all among the white ones who took an active part in the canvass.

Q. And all those were notified to leave?—A. Yes, sir; I understand that all of them were either notified by letter or personally.

Q. Except Paul Fricke?—A. Yes, sir, except Mr. Fricke; he never has been notified.

Q. The rest were men who contented themselves with going to the polls and voting, but took no further active interest in politics?—A. Well, there were some colored men who were active politicians and made some speeches, and they were notified to leave too.

Q. Who were they?—A. There were Jack Lans, Harry Kee, and Bedford Guy. I don't know that Lans got a notice to leave in writing, but I saw Harry Kee's notice.

Q. How about McAdoo?—A. Oh, yes; Mr. McAdoo took an active part, but I never saw his notice. I heard that he got two or three of them.

Q. Then all these men, white and black, who took an active part, either as editors of Republican newspapers or speakers, in carrying forward the Republican campaign in that county, who lived in Brenham, and Mr. Hoffman, who did not live in Brenham, all were notified to leave except Paul Fricke?—A. I believe so; that is my understanding of it.

Q. Did you know Mr. William Hawley?—A. Yes, sir.

Q. Who was he?—A. He was elected county commissioner in one of our precincts.

Q. Was he a Democrat or a Republican?—A. A Republican.

Q. A white man?—A. Yes, sir, a white man.

Q. What about him; did he receive any notice?—A. I never have seen his notice, but he told me that he received a notice to resign.

Q. When?—A. I don't recollect just the date. It was directly after he was qualified and sworn in; a few days, perhaps. That was some time, probably, in December, or in the fore part of December or the latter part of November; I don't know exactly the date.

Mr. SPOONER. This district judge, as I understand it, has jurisdiction answering to a circuit?

Mr. PUGH. Yes; in the county.

Mr. SPOONER. His jurisdiction extends over more than one county?

Mr. KIRK. Yes; it extends over three counties, but his residence is in Brenham. That his judicial district.

Mr. SPOONER. But he does not try men until they are arrested and brought before him.

By Mr. PUGH:

Q. Let me ask you about a matter that I omitted to speak of. Has there been any session, any term, of that district court since these outrages?—A. I think not.

Q. There has not been any?—A. I think not.

Mr. PUGH. That is true, as I understand.

Mr. SPOONER. I guess it is true.

By Mr. SPOONER:

Q. There have been no arrests made of persons engaged in those outrages?—A. Not that I ever heard of.

Q. There have been no arrests of any men charged with hanging these colored men or with raiding the ballot-boxes?—A. No, sir.

Q. The only arrest that you heard of being made, in connection with outrages and bloodshed at that election, were these colored men and

Polk Hill?—A. Yes, sir; the colored men and Polk Hill, 9 of them; 8 were arrested at one time, and Polk Hill afterwards.

Q. How many of those polling places in the county are connected with Brenham by telephone or telegraph?—A. Chapel Hill, Burton, and Independence are connected by telephone, as I believe and understand.

Q. Do you remember hearing in the afternoon of election day any report going around the streets of Brenham as to how the vote was going in the Republican towns; that is, in the first precinct?—A. I do not recollect now.

Q. Did you not hear it reported that the vote was going strong against the People's ticket at some of the Republican precincts or polling places?—A. I think there was a report of that kind. It was generally understood that it was going that way.

Q. It was so rumored all over your town, was it not?—A. Yes, sir.

Q. At what time in the day?—A. Well, all through the afternoon, I think, that report was going around.

Q. It was received by telephone from this precinct?—A. Yes, sir; that was my understanding of it.

Q. Did you hear any particular polling places mentioned?—A. I don't recollect now that I did; I do not remember that I did. I might have heard it, but I do not remember.

Q. How many of these four hundred-odd Republicans in Brenham were colored men?—A. A great proportion of them; I do not know how many.

Q. What proportion?—A. More than half, I think.

Q. More than half were colored?—A. Yes, sir; I suppose so.

Q. Were they men of property, the colored men?—A. Some of them had homes.

Q. To what extent?—A. A good many of them had homes, and a good many of them did not; but there were quite a number of them who had homes of their own and were living quite comfortably.

Q. Was there a time during this excitement, so far as you know, when your friends did not stop and talk with you on the street?—A. Yes, sir; during the most intense excitement men that I knew were my personal friends, both Democrats and Republicans, did not speak to me and would not be seen walking with me.

Q. They avoided you?—A. Yes, sir; they avoided me.

Q. Was that true, so far as you know, as to Mr. Hackworth and other leading Republicans who were spotted?—A. I think so.

Q. They were afraid, were they not, to be identified with you in any way?—A. Yes, sir.

Q. You said that on the day this meeting was held at Eldridge hall, some twenty-odd men, mounted and armed, came into Brenham past your shop, and that they were Democrats?—A. Yes, sir.

Q. Did they go to this meeting?—A. They did not go to the meeting immediately as they came into town. They went down into the lower end of the town and deposited their arms and then went to the meeting afterwards; that is my recollection of it now.

Q. Men came in from all over the county under this call to attend that meeting?—A. So I understand.

Q. Do you know of any Republicans in that county being invited to attend this indignation meeting?—A. I do not.

Q. You do not know what happened at that meeting except as you heard of what took place?—A. No, sir; I know nothing about it ex-

cept from hearsay and from what I read in the newspapers; I was not there.

Q. Is it customary down there in your county when men are arrested charged with murder or being accessories to the crime of murder, before any examination whatever, to let them out on \$500 bonds?—A. I do not know that it was ever done before. It was the first thing of the kind I ever heard.

Q. And for magistrates to invite them to get up \$500 bonds?—A. It is not the custom.

Q. You never heard of any other case in that county, did you, of this kind?—A. No, sir; I did not.

By Mr. PUGH:

Q. You say that Democrats and Republicans in Brenham would not stop to talk with you on the streets; would not be seen with you on the streets?—A. Great many of them would not. I had some personal friends, of course, who would take the chances.

Q. Now, what was the reason for that? Were they ashamed to be seen with you, or were they afraid to be seen with you?—A. I can explain it to you if you will allow me. There was a perfect reign of terror, and any man who was seen with a prominent Republican supposed his life to be in danger. Now, that is the truth about it.

Q. What made the reign of terror; these notices?—A. The defeat of the Democrat party, as I understood it.

Q. It had been defeated many times before, and no reign of terror had occurred?—A. Well, yes, sir——

Q. It was a common thing for them in that county to be defeated? You had 1,300 to 2,000 majority——

Mr. SPOONER. Let the witness answer.

Mr. PUGH. You have been leading him pretty well.

Mr. SPOONER. I do not object to your leading, but I object to your not giving him a chance to answer the question.

The WITNESS. I will answer anything you want me to. What do you want I should answer now?

Q. About the reign of terror. I want to know how the reign of terror happened to come then and never before when the Democrats were defeated?—A. That is what I will explain to you if I can. Before this—during all the time I had been in Brenham, the Democrats had never held the offices; that is, as a party. There had been individuals held offices, as you say, but as a party they had never held the offices. At this time the Democrats, by a split two years ago in the Republican party, held the offices, and of course they having held the offices for two years, as I believe, were determined to keep them at all hazards.

Q. What offices were they determined to keep in the county?—A. All of them. Well, there was one office—I will correct that statement, Joe Hoffman was elected by—I do not know know much—they counted him in, but he was elected by such an overwhelming majority that throwing out these ballot-boxes, and throwing out the diamond-shaped tickets, it was still impossible to count him out, and he was counted in as Republican assessor.

Q. Do you know why the tickets were made diamond shaped?—A. I could tell you what my opinion is about it, if you would like to know.

Q. I should like to have it.—A. Well, the large majority of the colored people of that county cannot read; they are unable to read their tickets—a large majority of them, and if they do not have a ticket by which they can know they are voting the Republican ticket without reading it, why

they are not satisfied; and for that reason, as I suppose, to prevent designing men changing their tickets, and interlining and putting in Democrats in place of Republicans, they made a straight Republican ticket, different in shape from any ticket in the field, in order that those men who could not read should be certain they were voting a straight Republican ticket, as they all desired to do, or nearly all.

Q. Those who were standing around at the polls could see, the Republicans could see, whether those negroes were voting the diamond-shaped ticket, could they not?

Mr. SPOONER: Not if it was folded up.

Q. How were those tickets put into the box; could not the managers of the election see whether they were diamond-shaped or not?—A. They might possibly fold them to prevent their seeing and knowing what kind of a ticket it was.

Mr. SPOONER: I only make that remark because the supreme court of Texas in passing on the question a year before had stated in the opinion that the ticket, when folded, was one that could not attract attention, if diamond-shaped, and the court had sustained the legality of the ticket.

The WITNESS: My opinion is it would be difficult for them to fold them so that they would not know that they were Republican tickets; they might do it.

By Mr. SPOONER:

Q. The Democrats, or managers of the people's campaign, got out a bogus diamond-shaped ticket some time during election day, did they not?—A. Yes, sir; there was a bogus diamond-shaped ticket came out about 10 o'clock in our town, and I understand it was sent to Chapel Hill. It was just exactly like ours in shape, only it had Democratic candidates on it instead of Republican candidates.

TESTIMONY OF W. H. BLOUNT.

W. H. BLOUNT (colored), having been duly sworn was interrogated as follows:

By Mr. SPOONER:

Question. What is your full name?—Answer. W. H. Blount.

Q. Where do you live?—A. I live in Washington County, Texas.

Q. How long have you lived there?—A. I have lived there for sixteen years.

Q. What is your age?—A. I am twenty-nine years of age.

Q. You are a married man?—A. Yes, sir.

Q. You have a wife and children?—A. Yes, sir; a wife and six children.

Q. What is your business?—A. I am a farmer by occupation and a carpenter by trade.

Q. Do you own land within the county?—A. Yes, sir; I own a small place in the county.

Q. What are you politically, a Republican or a Democrat?—A. I am a Republican.

Q. You remember the election held in Washington County last November?—A. Yes, sir.

Q. You will never forget it?—A. No, sir, I never will; I will always recollect it.

Q. Were you a candidate for office at that time?—A. Yes, sir; I was running for the legislature.

Q. On the straight Republican ticket?—A. Yes, sir; on the straight Republican ticket.

Q. You were defeated, were you not, in the count?—A. Yes, sir; they counted me out forty-seven, I think.

Q. How much majority was counted against you?—A. Forty-seven. I may be mistaken about the exact figures, but that is the way I estimated it.

Mr. SPOONER. It is fifty-three according to the official returns.

The WITNESS. Well, I missed it then.

Q. Do you know how many of the votes cast for you at the different polling places were not counted for you at all by the canvassers?—A. No, sir; not exactly.

Q. Well, there was Lotts' post-office?

The WITNESS. Do you mean the box that was destroyed?

Mr. SPOONER. I mean the votes cast at how many polling places were not canvassed?—A. I don't recollect about that.

Q. I speak of the repudiated boxes.—A. That was at Lotts', Graball's, and Flewellen's Store, and then one precinct in Chapel Hill, where the box was not opened.

By Mr. EVARTS:

Q. The polls were not opened, you mean?—A. Yes, sir.

By Mr. SPOONER:

Q. And at Independence all the Republican tickets were thrown out?—A. Yes, sir; there was about 180 or 190; I do not know exactly the number, but a large number, they say, was never counted.

Q. Then you understand that if the ballots which were cast at Lotts' post-office, at Flewellen's, at Independence, and at Graball had been counted, you had a large majority in the county?—A. Yes, sir; I calculated it to be about 1,000 or 1,200 majority.

Q. Did you have any notices served on you?—A. Yes, sir; I had several of them.

Q. Have you any of them with you?—A. Yes, sir; I have one that is written.

Q. How many notices were served on you?—A. I had two in one day. I got this notice I have here out of the office the day it was written, and I got two after that.

Q. Where did you vote at that time?—A. I lived in the eastern part of the county, and moved from there to Brenham; that was in the first justice's precinct.

Q. What was your polling place?—A. Lotts' store. That is the notice I refer to. [The witness produced a paper and handed it to Mr. Spooner.]

Q. Is this the first notice which was served on you?—A. Yes, sir; that was served on me at Brenham, and they gave me verbal notice.

Q. Who gave you this?—A. One was a stranger, and one a friend of mine who lived in the city.

Q. What was the purport of the notice?—A. It was that I had better leave the county and leave it immediately. They did not give me any time to leave on; they said I must leave immediately, and I had some friends who warned me that I must leave.

Q. How did this notice come to you; through the post-office?—A. Yes, sir; it was addressed to me at the post-office, and I got it out, I think, the day it was written.

Mr. SPOONER. This notice reads as follows :

BRENNHAM, TEX., *December 9, 1886*

W. H. BLOUNT:

You are hereby notified to leave the county without further warning.

COMMITTEE.

Mr. SPOONER. Let that be marked as an exhibit, and put in evidence.

Q. What crime had you committed?—A. They say none. One of the fellows who notified me met me on the street in the day and he asked me, he says, "What is your name?" and I said "Blount." He said, "Aha." "Well," he says, "I have a message to deliver to you." I said, "All right; let's hear it." He says, "You must leave the county, and," he says, "you must leave it immediately." I says, "What is your name?" He says, "I am from the lower counties." I said, "That is not the question I asked you;" and he said, "That is all you will get, by God." I said, "Do you expect I am a fugitive from justice, a thief, or a robber, or what do you consider me?" He said, "No, you are a pretty fair citizen, they say, but you wield an influence among the freedmen that is detrimental to the white people, and they won't stand it." Now there are lots of white people in my voting precinct that voted for me, Democrats I mean, and I didn't receive any notice, I don't think, from that particular section of the county—yes, I did, too; I received one notice from the east end of the county, below me a piece, that I had better get out, from a friend.

Q. You had been quite active as a Republican throughout the county?—A. Yes, sir; I had taken an active part in the canvass.

Q. Making speeches?—A. Yes, sir.

Q. Had you been active in the former campaigns?—A. Yes, sir; I had in three or four campaigns before, but I never was treated in that way by anybody. Well, I think about what they had against me was—it was strongly preached in the canvass—that I had advocated social equality in the colored belt of the county; I suppose that was what they had against me.

Q. Was it true that you had advocated any such thing?—A. No, sir. I think I possess too much dignity to attempt to force social equality upon anybody, white or black.

Q. You heard about the ballot-boxes being raided, of course?—A. Oh, yes, sir.

Q. And some of the colored men being hanged?—A. Yes, sir; I saw the three colored men after they were hanged the next day, and one of my wagons took them back to the jail.

Q. Where were they hanged?—A. About a mile and a half north of Brenham, near the city limits, on a pecan limb.

Q. Do you know whether any effort was ever made to discover and arrest the men who hanged them?—A. No, sir; I never heard of any.

Q. Do you read the newspapers published in that county?—A. Yes, sir.

Q. Did you ever happen to read any proclamation signed by the governor offering a reward for the arrest of men who had hanged those men?—A. No, sir.

Q. Did you ever see or hear of any reward being offered by any of the county officers for the arrest of those men?—A. No, sir; I have not.

Q. No reward offered for the discovery and arrest of those men?—A. No, sir.

Q. Did you ever hear of any reward being offered for the discovery and arrest of the men who raided the ballot-boxes in the colored belt on election day?—A. No, sir; I have not.

Q. You had been in office in that county before?—A. Yes, sir; I served as county commissioner for three years in the county.

Q. During what years?—A. During 1883 and 1884.

Q. Had you heard at any time about that election, or after it, of any threatened uprising among the negroes, the colored people, against the whites?—A. Yes, sir. It was rumored all over the country that the negroes were about to have an insurrection in the lower part of my precinct, down there in the Graball settlement, and I also heard one day, I forgot what time of the month it was, that it was reported about Brenham that I had organized about one hundred negroes with bayonets, and that we were coming to slaughter the white people. I heard that on the road going to Brenham, and if they had run across me they might have pulled me on a limb, and I dodged out of the way.

Q. Was there the slightest foundation for those reports that the colored people were contemplating rising?—A. No, sir; I do not think they did.

Q. Or were they contemplating running?—A. Yes, sir. The only rising was their going on their heels and getting in the thickets and gullies and out of the way, so far as I know.

Q. Did you contest the election of your opponent?—A. No, sir; I did attempt to contest it, but I was told by some friends of mine that I had better not do it; a good many of them told me so, and I thought it was safer not to do it.

Q. You were afraid to do it, to make a long story short?—A. Yes, sir; that is it; I was afraid to do it.

Q. You knew these men who were hanged, did you?—A. Yes, sir.

Q. How long had you known them?—A. One of them, Shad Felder, I had known for ten years; I don't remember how long I had known the others.

Q. One of them was an old man?—A. Yes, sir; one was Alph Jones; he was about sixty or sixty-five years old.

Q. Were they bad men?—A. No, sir.

Q. They were men of good reputation?—A. They were all good, peaceable citizens, all three of them.

Q. Religious men, do you know; members of any church?—A. Two of them were, Shad Felder and Alfred Jones. Stewart Jones was not a member of the church.

Q. What was their business?—A. They were farmers. Shad Felder owned a nice little farm of his own, with a steam-gin on it, and was in good circumstances.

Q. Was he a man of family?—A. Yes, sir; he had a wife and one child.

Q. How about the others?—A. I do not know as to the families of the others. They have got families, though, but I do not know about the number.

Q. But each had a wife and children?—A. I cannot say about a wife and children, but each had a wife, I know.

Q. You say one of them owned a place?—A. Yes, sir; he owned a place, a nice little farm.

Q. And lived on his own farm?—A. Yes, sir; that was Shad Felder.

Q. Did the others work as farm hands or rent land?—A. They rented farms.

Q. And raised their own crops?—A. Yes, sir.

Q. Both of them?—A. Yes, sir.

Q. Was one of them a school teacher, Stewart Jones?—A. No, sir; I don't think he was.

By Mr. PUGH:

Q. Who was elected or counted in, as you call it, to the legislature over you?—A. R. J. Moore was the opposing candidate.

Q. Was he a white man?—A. No, sir; he is a colored man.

Q. You say that that you got the votes of a good many Democrats in that beat, in that neighborhood?—A. Yes, sir; at my voting box there was a good many Democrats voted for me that taken preference between me and R. J. Moore.

Q. Were those Democrats white or colored?—A. They were white.

Q. Then the white Democrats in that neighborhood, who knew you best, voted for you there, in preference to the People's candidate?—A. Yes, sir.

Q. They did not think it was detrimental to the whites for you to be elected?—A. Those few I do not think did. I don't know whether that fellow who said it was detrimental spoke the sentiments of all the balance, but that was what he said to me.

Q. In your neighborhood was it understood that you were aiding in this insurrection and all that trouble among the negroes?—A. Yes, sir.

Q. That you were in that business, and were using influence in that way?—A. Yes, sir.

Q. That was reported in your neighborhood, too?—A. Oh no, sir; that was below me, about 10 miles down, in the Graball neighborhood.

Q. You say you would have been elected if it had not been for the destruction of these boxes?—A. Yes, sir; I think so.

Q. That is just your opinion, I suppose?—A. Yes, from what is commonly reported of the ballot.

Q. What was said about the ballots; who saw the ballots?

The WITNESS. Those that were not counted?

Mr. PUGH. Yes.

A. Well, there was a good many spoke about them.

Q. How far had the counting gone when the ballots were destroyed?—A. That I am unable to state.

TESTIMONY OF JOSEPH HOFFMANN.

JOSEPH HOFFMANN, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Where do you live?—Answer. I live in Burton, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in the county since 1869.

Q. Are you a German by birth?—A. Yes, sir; I was born in Germany.

Q. And have lived in this place or in that region ever since you came to this country?—A. No, sir; not since I came to America. I have lived in Ohio and in New York State.

Q. And then you went to Texas?—A. Yes, sir. I came to this country in 1851.

Q. And in 1869 you went to Texas?—A. Yes, sir; in October, 1869.

Q. Do you hold any office in Texas now?—A. Yes, sir; I am the assessor of Washington County.

Q. How long have you held that office?—A. This is my ninth year. I was deputy several years before that. Formerly there was no assessor of the county, but each justice of the peace for his precinct was assessor, and I was deputy under Mr. Brashear, who was assessor at that time, for two years.

Q. There is but one assessor for that county?—A. Yes, sir; but one regular assessor for the county, but I have deputies.

Q. Is it an elective office?—A. Yes, sir.

Q. How many times have you been elected?—A. Five times.

Q. And at this last election in November were you then a candidate?—A. Yes, sir.

Q. And were you elected?—A. Yes, sir; I was re-elected.

Q. Who ran against you there?—A. Mr. H. O. Robertson.

Q. On what ticket?—A. He ran on the People's or Democratic ticket.

Q. What was your majority?

The WITNESS. This time?

Mr. EVARTS. Yes.

A. Well, I know what my majority would have been if all the votes had been counted and no ballot-boxes stolen.

Q. How much was it; how many were counted in your favor?—A. There were two hundred and some odd, and I think there was a mistake of 100 made in one box, a misprint.

Q. If that were corrected how much would that make?—A. I think my majority was 342; I am not certain, but I think the way they have it is 242. I got twenty-two hundred and some odd votes.

Q. That was the majority that was counted?—A. No, sir; Judge Kirk gave me a certificate, from the total vote, that I had received a majority of the votes, and I got a certificate of election on that account.

Q. What I want to get at is what the actual count was; what majority did you have?

The WITNESS. The actual count?

Mr. EVARTS. Yes.

A. I think two hundred and forty or two hundred and forty-two; something like that.

Q. How extensive is the district in which you are voted for; does it comprise the whole county?—A. Yes, sir; the whole county.

Q. These districts or polling places we have spoken of failed to be counted, and notwithstanding that, you had a majority of 200, had you?—A. Yes, sir; two hundred and some odd outside of that.

Q. Supposing those districts or polling places had not been left out of the count, how much majority would it have been?—A. With the votes that were thrown out, and the majorities that I have generally had at those boxes (they are all Republican boxes), I think my majority would have been nearly 1,700 to 1,800 votes. Two years ago my majority was 1,635 votes.

By Mr. PUGH:

Q. What ticket did you run on, the Republican ticket?—A. Yes, sir. I was asked to run on the People's ticket at the last election, but I did not accept it the way they wanted me to accept it.

By Mr. EVARTS:

Q. Was this the first election at which there had been a People's ticket?—A. No, sir; there was a People's ticket two years ago at the last election.

Q. Before this election took place on the 2d of November, was there any disturbance in the community among the colored people or any other people?—A. No, sir; I cannot say that there was any disturbance. There was a little loud talking and excitement about the election. Well, there had been some disturbances, but I think they were private, prior to the election.

Q. Did the election go on quietly at Burton?—A. Yes, sir; with the exception that I saw one prominent Democrat jerk the Republican tickets out of the hands of the Republican canvasser, and tear them all to pieces at the polls; and I saw the postmaster of that place like to get into a fuss with a man about the vote who was working all day around at the polls.

Q. After the election, when did you first hear of the death of this Bolton at the Flewellen polling-place?—A. I was at the Burton polling-place the day of the election until about 5 o'clock in the evening, and outside of this tearing up of tickets everything went off peaceably, so far as I know. Mr. Homeyer came to me and said, "Hoffman, I have overheard some talk, and you had better get away from here." I got on my horse and rode to Brenham, which is 14 miles by wagon road, and a colored man named Eli Moulton went with me. I got to Brenham, I reckon, about 8 o'clock, and I went right to Mr. Hackworth's house there.

Q. Which Mr. Hackworth?—A. To Mr. Stephen A. Hackworth's. I went to his house and asked him the news, and he told me that the Republican ticket was elected from head to tail; that is the way he expressed it, and that the Democracy had given it up.

Q. He told you this at Brenham?—A. Yes, sir. Then the next morning early—I staid in Brenham that night, but the next morning, Wednesday morning, I heard of the killing of Dewees Bolton.

Q. What happened then in the town or about there, as far as you know, following this death of Bolton?—A. Well, there was a great deal of excitement, and I wanted to go back home, and I got word that I should not come home; that it was dangerous for me to be there. I had left my wife and eight children up there. I staid around one night, at one place and another, and one-half of the night we staid out in the woods, Mr. Hackworth, Jim Moore, Mr. Fricke, and myself.

Q. Why did you do that?—A. We did it because we thought we would be murdered. There were threats of violence made and it was the general talk all over.

Q. What was the form in which you were afraid violence would be offered you?—A. After Dewees Bolton was killed, there was a meeting called at Eldridge Hall, and I was in Brenham at the time; it was on the 5th of November, on Friday. I was not at the meeting and I would not have gone there for all the money in Texas. But that evening I went down to Mr. Hackworth's house after the meeting was called. I saw bodies of armed men coming to town; I counted twenty-one in one squad, and I could name many of them who were in it, on horseback and some in buggies.

Q. Were they disguised?—A. No, sir; they were not disguised. Some had shotguns and some Winchester rifles.

Q. Did you know any of them?—A. Yes, sir.

Q. At what distance from Brenham did they live?—A. The most of those I saw lived toward Independence, some at Independence, and some came from Burton. Independence is about twelve miles from Brenham, and they lived in the neighborhood of Independence, some this side and some the other side, and some lived at Burton.

Q. After this meeting was held, what then; you knew what took place at that meeting?—A. Only by hearsay.

Q. Well, by hearsay, you heard what took place?—A. Yes, sir; I heard it generally talked of on the street by a good many persons. When the meeting was called they were talking about the outrage committed on Bolton; that he was killed, and that Judge Kirk should have gotten up and offered a resolution that Moore, Hackworth, and some others (I don't recollect the names; Ed. Locke, I know that he mentioned him) should leave at once, within twenty-four hours. Then I heard that Colonel Giddings got up and modified that resolution very much.

Q. To what extent, so far as you understood, was it modified by Colonel Giddings?—A. I heard that Colonel Giddings modified it so that it said the People's ticket had been elected, with the exception of one, and he should serve his time; that is, alluding to me I reckon; that I had been elected and I should serve my time, and they should look to it that such things should not occur again. It seemed like there had been incendiary speeches made, they claimed, by Republicans.

Q. I only want to get what you suppose took place. You do not know about it personally?—A. No, sir; I do not know.

Q. But you understand that is what took place there?—A. Yes, sir; that is what I understand.

Q. After the meeting what was the state of feeling and excitement against you gentlemen and your own fears about your safety?—A. The feeling was very bitter against us, and when there was a talk about the Republicans wanting to contest for the offices, the feeling became still worse. I, myself, had no contest to make, as I was elected. But some of them came to me and asked me what I thought about contesting the election, and I told them that under the present circumstances I thought they ought to leave it alone and not do it.

Q. For what reason?—A. I can give you my own private reason. It was because there was such a state of feeling and excitement that if they entered a contest I thought somebody would be killed, and I did not want to see anybody killed.

Q. You had no doubt that a majority of the votes cast would have carried the Republican ticket?—A. I had no doubt that if everything had been fair and square on both sides every man on the Republican ticket would have been elected; even Minkwitz and Herbst would have been beaten.

Q. And the only reason you had against contesting was the danger it would cause to the lives of the Republicans there?—A. Yes, sir; the danger they would be in from the other side, and I told them that Mr. Fricke wanted to contest and I had advised him not to. Mr. Blount came to me and said he wanted to contest Mr. Moore's seat in the house of representatives, and asked me what I thought about it, and I told him he had better not do it; if he did I did not believe he would live the contest out.

Q. What led you to form that opinion, that life would not be safe there if the rights of these defeated candidates were asserted?—A. First, after that excitement, these armed men came in and rumors went around, and myself and others had to stay at various places. Mr. Baur, the gentleman who testified here this morning, and Mr. Homeyer came to Brenham and told me not to go home; they said it would not be safe for me to go to my family. Then afterwards these notices were received by various persons and the one I received made me uneasy, although I did not leave the county, but my house was guarded by men for two or three weeks, every night.

Q. Guarded by friends of yours?—A. Yes, sir; by my friends, even some Democrats, and Republicans also. They staid there at my house every night.

Q. Your neighbors, you mean?—A. Yes, sir. After the meeting was called at Burton they came and guarded my house for two or three weeks afterwards.

Q. Did you receive any written notices to quit?—A. Yes, sir.

Q. Have you got one of those notices now?—A. Yes, sir.

(The witness produced the notice called for and handed it to the chairman.)

Q. Has this been in your possession ever since?—A. Yes, sir. I have shown it to several parties, and they have had it in their hands, but that is all. That is the envelope it came in.

Mr. EVARTS. This note reads as follows:

DECEMBER 8, 1886.

JOE HOFFMAN:

You are requested to vacate Burton forever by Saturday night.

CITIZENS.

That is written in red ink.

Q. This came through the mail?—A. Yes, sir; and the post-office mark on it is the 7th. I received it on the 7th.

Mr. EVARTS. It is addressed "Mr. Joe Hoffman, Burton," and there is something below which I cannot make out.

Q. You say you showed this to various persons?—A. Yes, sir. The first person who saw me receive it and open it was Mr. Fricke's brother, Fred. Fricke. Mr. Charles Weeren, a merchant, saw me receive it there, and Mr. Charley Bauer and Mr. William Bauer. Then Mr. Henry Hans sent for me (Mr. W. H. Hans), who had been appointed at the Eldridge Hall meeting as one of the citizens committee. Mr. Henry Hans sent for me and told me. He says: "I heard that you received a notice signed 'Citizens,' and I want you to understand that I had nothing to do with this. You might think so, because I was on the citizens committee." I told him I did not think he had anything to do with it.

Q. Did he tell you who did send this?—A. No, sir; he said he knew nothing about it.

Q. And you do not know who sent this?—A. No, sir.

Q. Did you see notices sent to others of your friends and party?—A. Yes, sir.

Q. After this meeting at Burton was the feeling allayed there; was there a better feeling after the meeting at Burton?—A. Yes, sir; right afterward there was. In regard to these resolutions that the committee passed there, the committee on resolutions was composed of four Democrats and two Republicans; some of the staunchest Democrats in that community, Mr. Wilson and others, and Mr. Elliot. After that they requested the Brenham papers, or Washington County papers, to publish it. The Brenham Banner, and Mr. Miller's paper, The Volksblatter, the German paper, refused to publish it. The Galveston News did not publish it until I had paid for the dispatches. They had a regular reporter there, but I had to pay for the dispatches before they would publish it. I had to pay \$2.75 for the dispatch containing the resolutions that they passed there.

Q. Did you know of the hanging of these colored men?—A. Only from hearsay.

Q. You heard of it at the time?—A. Yes, sir; I heard that they were hung.

Q. Did you know the men?—A. Yes, sir.

Q. Where did they live?—A. They lived in Beat No. 1, in what we call Washington Beat, not far from Flewellen, and around in that neighborhood.

Q. How far is that from Burton?—A. It is about 17 miles to Flewellen, and from 30 to 31 miles altogether.

Q. It is some distance from Burton?—A. Yes, sir.

Q. How did you happen to know those colored men?—A. I have been assessor of that county so long, and then I have met them many times during the canvass and former canvasses prior to this.

Q. Were these respectable men, all three of them?—A. I never heard anything to the contrary.

Q. They had never been accused of any crimes?—A. Never.

Q. Or misconduct of any kind?—A. No, sir; one of them even had a farm down there.

Q. Had they any personal enemies that you know of?—A. Not that I know of; if they had I did not know anything about it.

Q. Did you ever hear, after this, that there was any personal enmity towards those men?—A. No, sir.

Q. What was the reason of their being arrested, do you know?—A. Only from hearsay.

Q. What was the understanding there?—A. That they were the accessories to the murder of Dewees Bolton.

Q. What were they engaged in there?—A. These men? They were farming.

Q. But I mean at the time of the killing of Bolton.—A. I don't know that they were engaged in anything. I do not know even whether they were at the election box or away from there.

Q. And you never heard of any of the eight that were put in jail being prosecuted at all?—A. No, sir; I only heard that there were complaints made against them, and they were put in jail, and then they were taken off for safe keeping; that they heard that the crowd was coming, Mr. Dever, the sheriff, did; that there was a dispatch came there from some one that there was an uprising down below in the lower part of the county, and that Mr. Dever should come out there with a posse of men, and I believe he summoned fifty men, and as he went out, so I heard, he met a whole lot of men on the way coming to Brenham. Mr. Dever had taken the precaution to call out the military companies, I believe, and had the men guarded at the jail, and either the very same night, or I think it was the next day, he took them to Houston to jail.

Q. Those that were left?—A. No, all of them.

Q. All of the eight men?—A. Yes, sir.

Q. Where were they when they were hanged?—A. They had been brought back from Houston. The Republicans were trying to get these men released under a writ of *habeas corpus*; there had never been any application to the judge yet, but they were going to try to have them released in that way.

Q. But they were in this jail at Brenham?—A. Yes, sir; they were brought back and held in the jail at Brenham.

Q. Were they safe at the other jail they were in, before they were taken to Brenham?—A. At Houston? Yes, I think they were perfectly safe there.

Q. How came they to be taken to Brenham?—A. I do not know how they came to be taken to Brenham. I know they were taken back. I know that Mr. Jodon went down there to Houston as their attorney and interviewed them in jail there, so he told me, and saw them.

Q. He went there for the purpose of getting them out of jail?—A. Yes sir, so I understood.

Q. And then they were brought down to this place?—A. They were brought to Brenham.

Q. After he had been there to get them out on *habeas corpus*?—A. Yes, sir, after he came back to Brenham.

Q. Something has been said about incendiary speeches being made by the Republican campaigners and leaders. Did you hear any incendiary speech from anybody?—A. I have been one of the Republicans who have been in every canvass in the last eight years, you may say, and I never have heard any Republican make an incendiary speech or a social-equality speech. I have heard Mr. Hackworth and others advise them to keep their contracts with the white folks, but he told them, "when you make such contracts carry them out, but don't sell your vote with the contract."

Q. Was that called an incendiary speech?—A. I should not think so, sir.

Q. Now, they talk about incendiary speeches down there. What do the Democrats mean by an incendiary speech made by a Republican?—A. Well, my idea of what they would mean by an incendiary speech would be to just tell the people, I reckon, to get up and kill one another; that is what I would call incendiary.

Q. But what do these Democrats mean when they say that you, this, or that man makes an incendiary speech, what do they mean; what sort of a speech have they made?—A. Maybe it is because they made Republican speeches.

Q. And that is all?—A. That is all I know of.

Q. And advised the colored voters to cast their votes as they pleased?—A. Yes, sir.

Q. And have them counted, if they could?—That is my idea of it. I know that after we were charged with having made incendiary speeches, while Mr. Hackworth and Mr. Moore were in Brenham, that we published a card in the Brenham Banner—I paid Mr. Rankin three dollars to insert that card—stating that it had been asserted that we had made incendiary and social-equality speeches, and we denied the charges openly in their own newspaper, and it never has been contradicted by them.

Q. You know Mr. Schutze well, I suppose?—A. Yes, sir; I believe I know him better than anybody.

Q. He was the editor of the paper at Brenham?—A. Yes, sir.

Q. What was the name of his paper?—A. The Texas Staats Zeitung.

Q. That was a paper which circulated in that neighborhood among the Germans?—A. Yes, sir; generally in Washington County. Some few numbers of it went to Austin and Fayette Counties, the neighboring counties.

Q. It was only the German paper, I suppose?—A. No, sir; there was another German paper published there.

Q. What was the name of that?—A. That was the Texas Volksblatter.

Q. Was that a Democratic paper?—A. The editor used to claim to be a Republican, but during the last two canvasses he has always taken the Democratic side, as far as I have seen, in county affairs.

Q. It was a German paper, published in the German tongue, and patronized by Germans; both of these papers you have spoken of were?—A. Yes, sir.

Q. Did Mr. Schutze make any speeches during this campaign last November?—A. Mr. Schutze never made a public speech except one time, and that was when he came to Burton, to my house, and I do not believe any of the gentlemen knew of that. I took him out to my brother-in-law's, and there was a little gathering there, a friendly gathering of a few people, and he made a little talk in German, and he and I were the only candidates there. It was in a private house; it was no meeting.

Q. And his remarks were made in the German tongue?—A. Yes, sir; he spoke in German.

Q. The negroes there do not understand German, do they?—A. A few of them understand it.

Q. How does that happen?—A. They pick it up just as the Americans do. We have Americans there who talk as good German as I can.

Q. Was there anything incendiary in that speech?—A. No, sir; there was not. I do not believe it was known that he ever made such a speech except to the few persons present and myself.

Q. Look at this paper, and see if this is the card that you refer to as having been published [handing a newspaper extract to the witness].

—A. Yes, sir; that is the card.

Mr. EVARTS. I will read it.

BREHAM, November 9, 1886.

To the people of Washington County:

We, the undersigned Republicans, hereby declare that during the entire canvass just closed we did not make, nor did we hear any Republican make, any incendiary or social equality speeches, nor have any of us, either directly or indirectly, advised or counseled colored people to arm themselves or commit any acts of violence. These and other charges are made against us to divert public attention from certain political acts of our adversaries, and we respectfully but earnestly ask a suspension of public judgment until we can be fully and fairly heard in regard to all matters complained of against us.

C. C. BRYAN.
J. L. MOORE.
WM. EHLERT.
JOE HOFFMANN.
S. A. HACKWORTH.
PAUL FRICKE.
O. B. POTTER.
CARL SCHUTZE.

By Mr. EVARTS:

Q. Is this a true statement which you made and signed here?—A. Yes, sir; that is true.

Q. Who drew this paper?—A. I believe it was either Mr. Hackworth or Mr. Schutze who drew it.

Q. One or the other of those gentlemen?—A. Yes, sir.

Q. And you all agreed to that, and had it published?—A. Yes, sir; I took it to the printing office myself, and paid for it and had it printed.

Q. How long did the excitement on one side against you Republicans, and your fear, continue?—A. It continued a long time, even through the month of December, mostly because my house, as I have stated before, was guarded every night, and I was afraid and did not commence my work of assessing. I generally start right off after New Year's and commence assessing in the city of Brenham first; but I did not commence there this year until the 15th of January.

Q. Why did you delay so long?—A. The reason I delayed was, I was afraid to commence assessing right after the excitement, after I had left home. I could hear nothing from Brenham. I was at Burton, only thirteen or fourteen miles off, but I could hear nothing.

Q. What effect did this excitement or movement produce upon the colored people out there?—A. They were afraid, and a great many of them have left the county to my personal knowledge.

Q. Where have they gone?—A. They have gone to Brazoria, to Wharton, to Matagorda, and Fort Bend, and some of them have moved into Burleson and Lee Counties, that I know of.

Q. How many of the Republicans have removed?—A. The only ones that I can say have removed, although I know some of them ran off, or that they were made to leave——

Q. Who were those?—A. There were five of them that I heard of.

Q. Who were they?—A. Ed. Lockitt (but he was not made to leave), Mr. Schutze, Mr. Hackworth, and J. L. Moore. Ed. Lockitt and Mr. Gilder they left, I believe, the second day after the election, before that meeting at Eldridge Hall. The reason I know that is that he came and borrowed my six shooter, and he left that day. He said he was afraid to stay there, there was so much excitement. They accused him and Lockitt of having armed those negroes down there at Flewellen, and he was afraid he would get hung, and he left; and Ed. Lockitt, I believe, staid a day or two longer, then he left, and I have not heard from or seen him since.

Q. Do you know where he went?—A. I do not know, sir.

Q. And these other gentlemen who left, Hackworth, Moore, and Schutze?—A. They staid there quite a while yet before they left.

Q. Had they property?—A. Yes, sir.

Q. What was Mr. Schutze's property there?—A. Mr. Schutze's property was a press that he had just bought, printing material, some law books, and a newspaper.

Q. You mean his newspaper property there?—A. Yes, sir.

Q. What did Mr. Hackworth own there?—A. Mr. Hackworth had a homestead, I believe it is an acre and three-quarters, and a house and good furniture.

Q. And what did Mr. Moore have?—A. Mr. Moore had thirty-eight acres of land right on the edge of Brenham, well, the biggest portion is within the corporate limits. He had traded his homestead in Brenham for it two years ago.

Q. And he was living in the town, I suppose?—A. I cannot exactly say that, because the line between the city and county limits ran right through his gallery.

Q. He lived on this 38 acres?—A. Yes, sir.

Q. Did they make efforts to sell that property before they left, do you know, or afterwards?—A. I never heard of any efforts being made before or after they left. I was at Burton, and the first I heard was that they had to sell, and had gone, and I never got to see any of them, because I was afraid to go away from home.

Q. You heard of the hanging of these men?—A. Yes, sir.

Q. And you never saw them after they were hanged?—A. I never saw them until several days before the election, once; I saw two of them.

Q. That was the last time you saw them?—A. Yes, sir.

Q. What did you understand in the community (if there was any reason given or any opinion) that they were hanged for?—A. The reason in our community, and the reason I heard, and all I did hear is, because they knew too much, something about the robbing of those boxes, and I was told that one of them said, emphatically, that Mr. Dewees Bolton was masked. I do not know it to be so, but I was told that one of the men who was hung knew it.

Q. The man who was killed?—A. I want to be understood right. I heard in regard to one of those men who was hung that the reason he was hung was that they knew too much about the robbing of the Flew-ellen box, and about Mr. Bolton being masked and killed.

Q. And about his being armed also, I suppose?—A. I reckon so.

Q. Do you know of any other reason for those men being hanged?—A. I do not know of any other reason. I reckon they would not hang them because they were Republicans simply; if they did, they would have a whole lot of them to hang.

Q. The only difference is that these men were present at that poll and saw the raiding on the boxes, and saw the killing of Mr. Bolton?—A. That is what I heard.

Q. Do you know of any other allegation against those three men who were hanged except that?—A. No, sir; I never heard of any.

By Mr. PUGH:

Q. Do you say that you were elected assessor five times?—A. Yes, sir.

Q. And those who got up the People's ticket tried to get you to run on that ticket the last time?—A. Yes, sir.

Q. You had discharged your duty as assessor to the satisfaction of the people, it seems?—A. I have tried to do my duty, sir.

Q. You have been elected five times, and then the People's party offered to run you on their ticket?—A. No; I beg to be corrected. I was elected four times. I have been elected five times with the last election; but I had been elected four times before that, and this makes the fifth time.

Q. And you were offered this same office by those who made the People's ticket?—A. Yes, sir.

Q. Well, then, there was no personal or official reason why anybody wanted you to leave, or why your life was in danger, was there, that you ever heard of; was there any personal or official reason?—A. Personal, I do not know; official, I do not know either. The only thing that I know of is, that I have taken an active part in the canvass and tried to elect the Republican ticket.

Q. There were a good many who did that, were there not?

The WITNESS. Who worked that way?

Mr. PUGH. Yes.

A. There were; yes, sir.

Q. There was a large vote, and you had a large majority of the vote?

The WITNESS. A large majority of what vote?

Mr. PUGH. Of the vote at that election in which you were last elected, and the large majority were, like you, Republicans?

The WITNESS. That question has not been propounded to me yet.

Mr. PUGH. But I put it to you.

The WITNESS. You ask me what?

Mr. PUGH. I put to you the question whether, as gentlemen state, it is not a fact, in your judgment and opinion, that a large majority of those who voted, and whose votes were counted for you as assessor in the last election, were Republicans? You stated that 242, or thereabouts, was your majority.

A. Yes, sir.

Q. Conceded to you in the county, as being the majority that was given to you in the county?—A. Yes, sir.

Q. And you received your commission on that?—A. My certificate of election; yes, sir.

Q. You are now acting in that same office under that election?—A. Yes, sir. I think the majority of those votes, the biggest portion of those votes that I got, at this election, were Republican votes. I know I had some Democratic friends that have always voted for me every time I have run.

Q. And they voted for you the last time —A. Yes, sir; they did the last time.

Q. What do you think was the extent of that Democratic vote?

The WITNESS. Through the county?

Mr. PUGH. Yes.

A. That is hard to tell.

Q. Of course it is a mere opinion.—A. That is hard to tell, because I know that a great many Democrats that had voted for me two years ago did not do it this time because I did not accept the call on the People's ticket. It was a petition that they had sent around asking candidates to run.

Q. But how many of those votes do you think you really did receive as a matter of opinion?—A. That is very hard to answer.

Q. Do you think you received one hundred of those votes?—A. I expect so, and may be more.

Q. Were they pretty intelligent Democrats?—A. Yes, sir.

Q. White people?—A. I have not seen but a few colored Democrats; they are mostly all white.

Q. Well, answer my question whether they were white?—A. Yes, sir; they were.

Q. This excitement which took possession of the people there that you describe, did that grow out of the killing of Bolton?—A. I think, sir——

Q. Just answer that question.—A. Well, I want to answer it.

Q. Just answer whether that was one of the main causes of the excitement which you have described?—A. Yes, sir.

Q. Was not the killing of Bolton ascribed by those people—whether by mistake or not I am not asking you about that—but was not the killing of Bolton, as charged, to have been on account of the influence or the teaching of these gentlemen or men who left there; was not that the charge—that the killing of Bolton by the colored man or whoever engaged in it was on account of the teachings of those who had been making Republican speeches—was not that the charge? not whether it was true or not, I am not asking you that.—A. There was a charge made, sir, against some of them, not against all who had left.

Q. Was not this Mr. Hackworth included in that?—A. No, sir; Ed. Lockitt and Mr. Gilder were the ones they charged with it.

Q. Then it was this sort of teaching that was said to have been the cause of this resort to violence resulting in the death of Bolton?—A. That is what they said; yes, sir.

Q. The hanging of these three colored men was how long after the killing of Bolton?—A. I think that was during the first days of December.

Q. Was it not as much as a month after?—A. Well, mighty near a month.

Q. You say it was a month after the killing of Bolton before these colored people were taken out and hung, or about a month?—A. Yes, sir.

Q. At the time they were taken out and hung had not the excitement subsided very much?

The WITNESS. Up to the time they were hung?

Mr. PUGH. Yes.

A. No, sir.

Q. The excitement continued up to the time they were hung?—A. Yes, sir; and a long time afterwards.

Q. That goes back now to the killing of Bolton. The killing of Bolton was charged, whether correctly or not I am not inquiring; but I just say that the charge was as you stated it. Now, that feeling all died out, did it, after a while?—A. Yes, sir; a good deal of that feeling died out after a while.

Q. And now that apprehension of danger has ceased to exist?—A. I do not fear any danger myself now, sir.

Q. These notices that were given, which have been read here, do you not think they had something to do with creating alarm on the part of the Republicans who received them?—A. I know when I got mine, and after I had heard so many others had gotten them I was scared; I do not deny it.

Q. Then the alarm that you speak of on the part of these persons was when they got these notices and heard the others had received them?—A. Yes, sir; I think that increased it.

Q. The foundation of that alarm, the beginning of it, the exciting cause which led to it, was the receiving of these notices that were sent around?—A. No, sir; there was a great deal of alarm felt before that, before these notices were written.

Q. How did that arise?—A. It was caused by what took place at the Eldridge Hall meeting; that is one of the causes.

Q. Were you there at that meeting?—A. No, sir; I was in Brenham, though.

Q. Were there not some Republicans who were at that meeting?—A. There were some who claimed to be Republicans.

Q. You did not consider any man who went to that meeting as a Republican?—A. No, sir.

Q. Was there not a public call made for that meeting?—A. I heard it was called an indignation meeting, and was called in regard to the killing of Bolton; that they were going to adopt some plan to prevent such outrages.

Q. Then the Republicans did not intend to express any indignation at the killing of Bolton, and refused to do so, and you did not attend that meeting, although you were in Brenham?—A. No, sir; I did not go to that meeting.

Q. That meeting was called to express indignation at the killing of Bolton?—A. Yes, sir.

Q. And the Republicans did not attend that meeting?—A. Yes; I think some of them did, but I did not.

Q. But a few men went whom you did not consider Republicans?—A. I saw some go who claimed to be Republicans, but I do not consider them Republicans. I heard that Mr. Hodde went there, but I do not claim him to be a Republican; he used to be one.

Q. You say in regard to these persons, the colored men who were taken out of the jail, you cannot think of any reason or give any opinion why they should have been hung unless it was because they knew too much?—A. Yes; I can also state that I heard it said that the Democracy accused them of being accessories to the killing of Dewees Bolton.

Q. You did not state that before?—A. It was not asked me.

Q. I thought you were asked about that, why they were hung, and you said they were hung because they knew too much. Now, you say you understood they were charged with being accessory to the killing

of Bolton?—A. Yes, sir; I also heard that, and it has been publicly talked of.

Q. I want to ask you if there were not colored men left in the jail undisturbed who knew that this man Bolton was masked, if anybody did?—A. I believe there were five left.

Q. Who had as much information as those who were hung?—A. I do not know whether they had as much information as not.

Q. Was it not known that one of them stated that he was masked; was not that a public fact?—A. There were five men left in that jail, and I believe all eight knew about it.

Q. Who did you hear say they were hung because they knew too much; do you recollect anybody who said that?—A. Well, that has been the general talk.

Q. If it is general you can name somebody?—A. It has been charged in the public press, even in the Brenham Banner, and that was some part of the information that I got.

Q. It was charged in the public press that they were hung because ———A. No, sir; that they were accessory to the murder of Bolton, and it was talked on the streets of Brenham, and I believe you can get hundreds of men who will tell you that for that reason they were hung.

Q. That they were accessory to the killing of Bolton?—A. Yes, sir.

Q. I want to see if you can remember the name of anybody who said they were killed because they knew too much?—A. Well, when they were killed I was away; I was in the country. I had left Burton and gone to the Colorado, in Fayette County, fishing. When I came back to Burton on Friday night (I left on Tuesday and came back on Thursday or Friday night) I heard of the killing from Dr. Tom Carter, who lives between Round Top, in Fayette County, and Warrenton, and I asked him why they were hung, and he told me, for one, that they were accessory to the murder of Bolton, and that he thought they knew too much about the Flewellen business. There was another gentleman present with me in the buggy when he met me. That was the first I heard of the hanging; I was not in our county at all.

By Mr. EVARTS:

Q. Were these three men who were hanged in the room when Bolton was killed, as you understood?—A. As I understood they were; but I do not know it of my own knowledge.

Q. Very well, we know you were not there. Were any of the other five of the eight in the room when Bolton was killed?—A. I think they were.

Q. Which ones?—A. I think Tom Jones was in there.

Q. Was he one of the five in jail?

Mr JODON. He was one of the clerks.

The WITNESS. You mean of those in jail?

Mr. EVARTS. Yes; I say of the five out of the eight who were not hanged, were any of them in the room when Bolton was killed?—A. No, sir; I do not think so, if Tom Jones was not in jail.

Q. Then of the five remaining there, you understood none were in the room when Bolton was killed?—A. No, sir.

Q. These three men who were hanged were in the room when he was killed, were they not?—A. Yes, sir; so I understood.

Q. They must have seen it from the statement they gave Mr. Jodon in jail. Now did you not understand, and was it not understood in the community, that these three men were hanged because they could tel-

the truth about what took place at the killing of Bolton?—A. Yes, sir; that has been the general impression.

Q. Did one of those three men testify at the coroner's inquest held upon Bolton?—A. I do not understand your question.

Q. Did one of these three men who were afterwards hanged give evidence at the Bolton inquest?—A. Yes, sir; I think so.

Q. Did he at the inquest state that Bolton was masked?—A. I heard that Shad. Felder stated at the inquest that Bolton was masked; that is my understanding of it.

Q. And he was hanged, was he not?—A. Yes he was hanged.

Q. Was there any evidence at that inquest that either of these three men had done anything towards the killing of Bolton?—A. I never heard that until long afterwards.

Q. Did you ever hear any specific statement of an act on the part of either of these men in the killing of Bolton?—A. I never did, sir.

Q. Did you ever hear of anybody's being accused except this Polk Hill?—A. Polk Hill is the only one I heard of being accused of killing Dewees Bolton; but this Mr. Larney Gilder and Ed. Lockett, they were charged with having armed the colored people there and incited them to kill him.

Q. But not in taking part in the killing of him?—A. No, sir.

TESTIMONY OF WILLIAM W. HACKWORTH.

WILLIAM W. HACKWORTH, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Q. Are you a son of S. A. Hackworth?—A. Yes, sir.

Q. Where do you now live?—A. In Brenham, Washington County, Texas.

Q. You still live there?—A. Yes, sir.

Q. And have continued to live there, although your father left?—A. Yes, sir.

Q. How long have you lived there?—A. I was born and raised there.

Q. What is your present age?—A. I will be twenty next September.

Q. Were you in Brenham at the time of the Eldridge Hall meeting?—A. Yes, sir.

Q. Did you go to it?—A. Yes, sir.

Q. Did you hear the resolution that was adopted and the speeches that were made?—A. Yes, sir.

Q. You are a Republican, I suppose?—A. Well, I never have voted.

Q. You are not entitled to vote yet?—A. No, sir.

Q. But you sympathize with the Republican and not with the Democratic party?—A. Yes, sir.

Q. Did you hear the resolution which was offered by Judge Kirk in regard to notifying people to leave?—A. Sir?

Q. Did you hear offered by Judge Kirk at that meeting, the resolution that he proposed in regard to requiring people to leave?—A. Yes, sir; I did.

Q. What was it that he proposed in the resolution?—A. He made a motion that S. A. Hackworth, J. L. Moore, Ed. Lockitt, and Larney Gilder be given twenty-four hours to leave the county in.

Q. That they should leave the county in twenty-four hours?—A. Yes, sir.

Q. Did he give his reasons for that?—A. No, sir; he did not; not that I heard.

Q. Was that proposition of Judge Kirk's received with approval or applause by the company?—A. Yes, it was received with loud cheers.

Q. Was there any qualification made by Judge Kirk; did he change or qualify that notice at all, or that requirement during that meeting?—A. No, sir; he did not.

Q. Did any one qualify or repudiate it?—A. Colonel Giddings got up and said he was surprised that such an honorable gentleman as Judge Kirk should make such a speech.

Q. What did he propose should be done about this requirement; what did he say about it?—A. I left about that time and went home. They were cheering so that I was afraid they would go down home where pa was.

Q. The cheering, and what you saw there, frightened you so that you went off and did not hear any of the rest of it?—A. Yes, sir.

The subcommittee then adjourned until Saturday, February 19, 1887, at 10.30 a. m.

WASHINGTON, D. C., *Saturday, February 19, 1887.*

The subcommittee met at 10.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF JOSEPH HOFFMANN. (Recalled.)

JOSEPH HOFFMANN was recalled and further examined.

By Mr. SPOONER:

Question. Have you brought with you this morning the notice which was sent to you warning you to leave?—Answer. Yes, sir; I have it here.

Mr. SPOONER. I believe that was read yesterday, but it can be filed with the committee and marked as an exhibit.

Q. Will you give me the names of the leading, active white Republicans in Washington County at the last election?—A. Yes, sir; there is Mr. O. B. Potter, S. A. Hackworth, J. L. Moore, Carl Schutze, Paul Fricke, William Ehlert, and C. C. Bryan. You only want those who took an active part?

Q. I mean those who took an active, leading part in the canvass, and who were considered Republican leaders; the principal men of the party. Did William Ehlert take any part in the campaign?—A. Yes, sir.

Q. You took an active part yourself?—A. Yes, sir; I did.

Q. Who else was there who took an active part?—A. Those are about all I think of now.

Q. Then you have named the conspicuous men, have you not?—A. Yes, sir.

Q. Did you hear Republican speeches made during that campaign?—A. I think, with the exception of two or three, that I heard every speech that was made in the county during the campaign.

Q. Did you hear any speeches made that differed from the ordinary speeches of the party in a Republican campaign?—A. No, sir; we have been making the same speeches, I know, for the last eight years; for the last four or five canvasses.

Q. Did you hear this question of negro equality, social equality, discussed by Republicans?—A. No, sir; it was never discussed that I know of on the stand.

Q. Did you hear Judge Kirk make any speech during the campaign?—A. I did.

Q. In which this social equality was talked about?—A. I thought it was social equality.

Q. What was it he said?—A. It was at a place called Flat Prairie, about a mile below Graball, at a colored people's church or school-house, or whatever it is. There was a meeting held there.

Q. It was an audience of colored people?—A. Yes, sir; the audience was composed of colored people, but a good many white Democrats were there that I could mention. I know the names of many who were there. Judge Kirk remarked, after some of the Republican speakers had been speaking, that we white Republicans claimed to be great friends to the colored people; but he referred to Judge J. B. McFarland, our district judge, who is a Republican, and he said there that Judge McFarland divided his room, and made the colored people sit on one side and the whites on the other side, but that in his court room

Q. By that you mean Judge Kirk's court room?—A. Yes, sir, the county court room; they all mingled together on the seats, that is, in his court-room.

Q. What else of that sort did he say? Did he say anything else to the same purport?—A. Not that I recollect now.

TESTIMONY OF RIGGS P. HACKWORTH.

RIGGS P. HACKWORTH, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Your name is Riggs P. Hackworth, is it not?—Answer. Yes, sir.

Q. Where do you reside now?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in Brenham about eight years; I was raised though in the county.

Q. You have lived all your life in that county?—A. Yes, sir.

Q. In November last did you hold any office?—A. Yes, sir.

Q. What was that?—A. The office of justice of the peace.

Q. How many are there in that town?—A. Only one in that town?

A. Only yourself?—A. Yes, sir.

Q. Are you still in that office?—A. Yes, sir.

Q. You know of the election, and took part in it, I suppose?—A. Yes, sir.

Q. You are a Republican?—A. I am.

Q. How long have you been a Republican?—A. Ever since I was old enough to vote; I never knew anything else.

Q. And you know of the death of Bolton, I suppose, and the time that it occurred?—A. I only heard of it.

Q. You knew of it?—A. Yes, sir.

Q. And you knew of the hanging of the men who were taken out from the jail and hanged?—A. Yes, sir; I held an inquest over those men.

Q. You know about the seizing of the ballot-boxes at the other polling stations; you heard of the seizure of ballot-boxes at other stations as well as at Llewellen?—A. Yes, sir.

Q. Are you a brother of S. A. Hackworth?—A. Yes, sir.

Q. What was the condition of the feeling towards Republicans, or the active Republicans, in Brenhen and its vicinity, following this election in November?—A. Please repeat that question.

Q. What was the condition of the feeling toward Republicans, or the active Republicans, in Brenham and its vicinity following this election in November?—A. It was very bitter, the way I understood it.

Q. How was it shown?—A. Well, I was repeatedly advised to be careful, and several times to stay away and not to stay at my house during the night.

Q. By whom?—A. By friends, Democratic friends I had there.

Q. Did they profess to know that this advice was necessary? What did they say to you about it?—A. Well, they said on one occasion that there was a crowd up in town that threatened to come down and shoot into my house that night; that was the same night that my brother left, and the next day I was advised by friends to take my family away from the county for a few days, and I did so. I didn't stay at home myself at night; most of the time I did not.

Q. Did you receive any written notice or warning?—A. Yes; I did on two occasions.

Q. Have you them?—A. I haven't them with me; they are at my room, I suppose; one of them is; I tore up one of them when I first got it.

Q. You can get them and bring or send them up?—A. Yes, sir.

Q. I will call your attention now to the time that your brother left there; how long was that after this election day?—A. Election day was on the 2d day of November, I believe, and this was about the 4th or 5th of December that he left, I think, if I am not mistaken.

Q. He left there in December, you say?—A. Yes, sir.

Q. After the hanging of these men?—A. Yes, sir. They were hung on the night of the 30th of November, I believe; I held an inquest on the 1st day of December.

Q. They were hanged on the 2d of December?—A. I have my inquest papers here, I believe.

Q. Very well, then, perhaps you had better get them. I will call your attention to them soon. Now, when was it that your brother left?—A. I don't remember the precise day. It was somewhere about the 1st of December; the 3d or 4th, I forget which now; it was on Saturday night I remember.

Q. You remember the fact, at any rate?—A. O, yes, sir; I guarded him to the depot.

Q. What happened, to your knowledge, about your brother's leaving?

The WITNESS. Do you mean the night that he left?

Mr. EVARTS. Yes; and before it, in regard to his leaving?

A. Well, I had heard a great many threats that he would be hung, that he would be mobbed, if he didn't leave the county; and I heard—I believe he told me himself—that he had sold his place and was going to leave, and then right at that time, a half an hour afterwards, a friend came up and told me, he says, "They say that your brother has to leave here to-night; that he cannot stay here another night."

Q. Who was that?—A. That was a friend of mine; he was a Democrat, too.

Q. He said that he had to leave that night?—A. Yes, sir.

Q. What reason did he give, if at all; what did he say about its being necessary that he should leave?—A. He conveyed the impression to me that he would be hung that night if he didn't leave; and my understanding was that he was going to leave the next day.

Q. Your brother intended to leave the next day?—A. Yes, sir; that was my understanding, that he would not leave until the next day.

Q. And this friend advised you that he had better leave that night or he would be hanged that night?—A. Yes, sir; and pointed from my office across the street to a crowd of men standing in the middle of the street—I don't know how many there were, thirty, forty, or fifty, I reckon—between the court-house and the bar-room over there, and said those were the men who were talking about it; and then I could see other crowds, too, standing all about down there. I then went immediately down to my house and got my mother to go down to brother's and persuade him to get off that night; and I also went down there.

Q. And saw your brother?—A. Yes, sir.

Q. Your mother also saw your brother?—A. Yes, sir; and talked with him.

Q. Did your brother leave that night?—A. He told us that he didn't want to leave that night; that he was afraid his house would be burned down and did not want to leave until he got a payment on the place. And we then all went up and saw Mr. Bryan; he was the man I understood who had purchased the place.

Q. He had bought the place?—A. Yes, that was my understanding at that time; and I asked Mr. Bryan would there be any danger of my brother staying there that night, and he says, "None at all, I think; the men who have been acting with us have gone home." He mentioned Mr. Lott and another one; I forget the name—yes, Mr. Baldrige. He says, "They have gone home"; and I pointed out to him that the crowd was standing in the street over there, and I said, "I understand that those fellows say that he cannot stay here another night"; and he says, "Judge Kirk assures me that he can control that mob, that crowd, and he stopped and studied a little while and says, "For fear he cannot I will pay you a hundred dollars on it on my own responsibility, and let him go to night. Then he wanted me to go to the bank with him, and I went to the bank with him, and after he and Mr. Giddings had a consultation they drew a check, and I signed it and got the money.

Q. What hour of the day was this?—A. This was, I guess, half an hour before sundown. Then I also asked him if he thought there would be any danger in his going from his place to the depot or at the depot; and he told me that himself, Mr. Rodgers, Judge Kirk, and Mr. Searcy, and the city marshal would meet him at the house and guard him to the depot and see that he got off.

Q. And did they do so?—A. No, sir; I taken one or two of my friends myself and went there, and on our way Mr. Bryan fell in with us. He was the only one that was with us besides our guard. After we got to the depot there was an unusual number of men there; it looked to me like several hundred standing around there.

Q. About what time was this that he took the train or was to take the train?—A. It was about 7 o'clock; I remember it was dark.

Q. Well, there was a crowd down there?—A. Yes, sir; and I took it to be an unusual time for a crowd to be there at the depot at that time of night. After we got to the depot, myself and another young man walked around to see what they were up to. I thought I saw danger there to brother, and I went then to the sitting-room where he was; he was on the outside of the sitting-room, and I caught hold of him and

pulled him back into the sitting-room until the train came, and we stayed, several of us, right around him all the time. Just as the train pulled out there was a yell raised by the crowd; I could not tell you how many there were, but they could hear it all over town for half a mile.

Q. That was as he was leaving?—A. Yes, sir.

Q. As justice of the peace, did you hold the inquest on these dead men?—A. Yes, sir; I did.

Q. And that was your duty to do?—A. Yes, sir.

Q. And you have here before you the proceedings of this inquest?—A. Yes, sir.

Q. Whose handwriting is the body of that in?—A. It is in Mr. Rodgers's handwriting, the county attorney.

Q. And has your name, as justice of the peace, signed there?—A. Yes, sir.

Q. And the verdict of the jury?—A. Yes, sir.

Q. And is the testimony there given?—A. Yes, sir; written down.

Q. Did anything occur while this inquest was going on which interrupted it or at all or delayed it?—A. We commenced the inquest about 9 o'clock in the morning, and we continued the inquest until some time in the evening, and then we adjourned to find more testimony. We adjourned, I believe, for two days. I am not certain, but I can tell if you desire it. It is not material, I suppose; but during that time one or two of the jurymen came to me and told me to call the jury together and finish it up; that they were afraid; that they had been threatened; and I did call the jury together.

Q. That they were afraid, as they had been threatened?—A. Yes, sir; there were one or two jurymen who had taken a great deal of interest in the examination and had asked the witnesses some pretty pointed questions, and two of them told me, as they were going down stairs from my office, that a man met them on the stairs and told them that they had better be careful and not ask too many questions.

Q. And then you called a meeting and closed the business?—A. Yes, sir.

Q. You have spoken of Mr. Bryan as communicating with you in a friendly way. Who is Mr. Bryan? What is his full name?—A. I mean Mr. Lewis B. Bryan. He is present, I believe.

Q. He is a lawyer there?—A. Yes, sir.

Q. A Democrat?—A. That is my understanding; yes, sir.

Q. And a prominent man among the Democrats?—A. Yes, sir.

Q. A prominent citizen there as well?—A. I believe so; yes, sir.

By Mr. EUSTIS:

Q. You say there were threats made against you?—A. Yes, sir.

Q. What were the threats?—A. The only threats I received were in those notices I got. I received two different notices to leave the county.

Q. Those were the only threats that were made against you?—A. All I received myself, but several of my friends told me——

Q. But I want to know what the threats made against you were; was it confined to these two notices?—A. And through my friends; they told me, too, that I had better leave; that I was in danger there.

Q. That was rather advice; I am coming to that. But I want to know about the threats?—A. Those are the only threats I received.

Q. Those were the only threats made against you?—A. Yes, sir; the only ones I received.

Q. Were those notices signed by anybody?—A. I believe they were signed like all the balance, "By the committee," or "By order of the

committee." That is about the way most all of them were signed, I think. I think one was signed "Citizens."

Q. You had two notices?—A. Yes, sir.

Q. And one you destroyed?—A. One I got out of the post-office. Several of my friends were with me, and read it, and commenced laughing at me, and I just tore it up.

Q. You say you received two notices?—A. I did.

Q. Did you destroy one of them?—A. Yes, sir.

Q. And the other is in your possession?—A. Yes, sir; at my room.

Q. I want to know whether your notices were signed like this one [showing a notice signed "Citizens" to witness]?—A. I won't be certain about that, whether it was or not; mine, I think, was signed "By order of the committee."

Q. You don't remember how it was signed?—A. No, sir; I haven't looked at it for a good while.

Q. Did I understand you to say that you were advised to leave?—A. Yes, sir; to take my family away from there.

Q. To take your family away from where? Were you advised to leave Brenham? Is that where you live?—A. Yes, sir; one of my friends advised me to leave there for a few days, and also to take my family away; that there was danger of their shooting into my house and injuring some of my family.

Q. Who was it that gave you that advice?—A. I will state that Mr. C. R. Breedlove was one.

Q. You say you are a Republican?—A. I am; yes, sir.

Q. Has not there been a good many Republican office-holders in that county for the last eight or ten years?—A. Yes, sir.

Q. Do you know of any threats of that kind having been made before?—A. Not while the Republicans were in power; no, sir.

Q. How do you account for the threats made to you at this time?—A. Well, I supposed at the time that it was made——

Q. In order that you may understand my question I will state this: Inasmuch as Republican office-holders had been in office without any threats or molestations before, as I understand you to state, how do you account for the fact that threats were made at this time?—A. I account for it in this way, that the Republican ticket was elected this time and the Democrats didn't want to give up the offices and they thought by that plan they could scare the Republicans off and keep them from contesting the election.

Q. And all that occurred after the election, I understand?—A. Yes, sir.

Mr. EUSTIS. That could not be the reason then.

By Mr. EVARTS:

Q. So as to prevent a contesting of the election; to prevent the Republicans from contesting the election?—A. That is what he said; I am not adding anything.

By Mr. EUSTIS:

Q. I will repeat the question. How do you explain the fact that before the Republican office-holders had held these offices, elected by the people without any molestation or disturbance or threats, and at this time this advice was given to you to leave your residence in order to be safer; how do you account for that fact?—A. I don't understand that question as you put it.

Q. Well, I will repeat the question. For instance, you have testified that before Republican officers have held their offices without any mo-

lestation or threats of any kind; how do you account for the fact that at this time threats were made?—A. I accounted for it that they did it in order to scare the Republicans off and keep them from contesting the election, just as I stated before.

Q. You had all qualified, that is, all the Republican officers had qualified after the election; all those who were returned elected?—A. How?

Q. The Republican officers who were returned elected had qualified, hadn't they?—A. I believe there were two—yes, sir—that qualified.

Q. Was there not a great deal of excitement in that community?—A. Yes, sir; the greatest that I ever saw in my life.

Q. Were there not a great many alarming rumors?—A. Yes, sir; there was indeed.

Q. Don't you think that that had something to do with this advice that was given to you?—A. The rumors?

Q. The excitement in the community and these rumors that were prevailing?—A. Certainly; if everything had been quiet this advice would not have been given, I suppose; that was the cause of the excitement.

Q. Therefore, you do not think it was a mere desire to get an office?—A. How?

Q. Therefore you cannot think it was merely a desire to get an office that caused these threats?—A. I think it was a desire to hold the offices that they were not elected to.

Q. Wasn't it attributed to this great excitement in the community?—A. They were keeping up the excitement themselves for that purpose; that was my understanding.

Q. Keeping up the excitement for that purpose?—A. Yes, sir.

Q. Had not there been a white man killed?—A. I understood so; I heard there was a white man killed.

Q. Had there not been three negroes hung?—A. Yes, sir.

Q. Don't you think these two circumstances were calculated to create some excitement?—A. Certainly they were.

Q. Therefore it was not altogether fictitious?—A. No, sir; it was not fictitious at all.

Q. There was very great excitement, was there not?—A. Yes, sir.

Q. Was there much excitement among the colored people?—A. Yes, sir.

Q. And a great deal of excitement among the white people?—A. Yes, sir; there was among the Republican white men and Republican negroes.

Q. Wasn't there a great deal of excitement among the Democrats?—A. I don't know that there was.

Q. Were there not apprehensions of serious collisions at any time during this excitement?—A. There were apprehensions on our part that we would be murdered every night.

Q. You testified that you think it was a desire to get the offices?—A. To hold the offices; yes, sir.

Q. That caused those threats. Did your brother hold any office?—A. No, sir.

Q. How do you explain the threats made against him?—A. Because he was a leading Republican there, and had taken a great deal of interest.

Q. Therefore it was not owing to the fact of desiring to get the office, if your brother held no office, and he was the one against whom these threats were directly made?

MR. SPOONER. You are making an argument; your conclusion does not follow from your premise.

Mr. EUSTIS. He testified that the cause of these threats was the desire to get the offices.

Q. How do you explain the threats made against your brother?—A. I think they were made because he was a leading Republican and advised those Republican candidates to contest the election, and I believe they were also preparing to do it, and they knew he was the leading man in it.

Q. Could they not contest the election whether he was there or not?—A. Yes, sir: I suppose they could.

Q. How do you account for the fact that they never made those threats at any other election in order to get the offices?—A. Since I have ever known about it, since I have been old enough to vote, the Republicans have held power until two years ago. The Republicans split up, the Democrats were elected, and the Republicans went out and gave up the offices without any trouble at all. After the Democrats got into office they were in power at this last election.

Q. At any time before, had any prominent Republicans been requested by anybody to leave their places of residence; did you ever hear of any case before this last election?—A. No, sir.

Q. You never did?—A. Not that I know of.

Q. Have the Republicans ever been disturbed or molested; those elected to office? Did not they qualify and hold their offices peaceably before this last election?—A. So far as I know they did; yes, sir.

Q. You did not leave Brenham then, did you?—A. Yes, sir; on one occasion I did.

Q. What occasion was that?—A. That was the next day after my brother left.

Q. When did your brother leave?—A. He left the first part of December; I forget the date now.

Q. And you remained there during the whole month of November, did you not?—A. Sir?

Q. You remained there during the whole month of November?—A. Yes, sir?

Q. Were you at all molested in discharging the duties of your office?—A. No, sir; I was allowed to stay in my office every day. I was in my office in the day-time, but at nights I would send my family to a neighbor's house and I would go out in the woods somewhere.

Q. How far did you send your family?—A. Just there in town; to different places.

Q. Where did you sleep yourself?—A. I never slept much.

Q. You must have slept some in thirty days, I take it?—A. Oh, it was not thirty days that we staid out that way.

Q. Where did you sleep between the time of your qualifying for the office and the departure of your brother?—A. Sometimes I staid at home. There would be friends who would stay around there close to me, and sometimes in the house with me, but there would always be some of us awake, watching.

Q. Have you any personal enemies who are Republicans?—A. I don't know of one; no, sir.

Q. Has your brother?—A. I think he has; yes, sir.

Q. Has he many?—A. No, sir; not that I know of.

Q. Did you pay any attention to those notices that you got?—A. No, sir; I didn't pay any attention much to them.

Q. You did not think it amounted to much?—A. No, sir; I didn't think it amounted to much. I knew that I could not leave there and

make a living, and that if they did intend to kill me it didn't make any difference anyhow.

Q. Do you know Frank Hubert?—A. Yes, sir; I do.

Q. Who is he?—A. He is constable there now.

Q. Is he white or colored?—A. He is a colored man.

Q. Was he elected at the last election?—A. Yes, sir; he was.

Q. Did he qualify?—A. Yes, sir.

Q. Does he hold the office now?—A. Yes, sir.

Q. Has he ever been disturbed in the discharge of his duties?—A. I believe that he got three notices to leave.

Q. That is all you know of these notices to leave?—A. Yes, sir; that is all I know of these written notices to leave.

Q. Do you know George W. Brown?—A. Yes, sir; I do.

Q. Was he a candidate at the last election?—A. Yes, sir.

Q. For what office?—A. For the office of county commissioner.

Q. Was he elected?—A. Yes, sir; he was elected.

Q. Is he a colored man?—A. Yes, sir; he is a colored man.

Q. Do you know whether he has been disturbed at all in the discharge of his duties as a Republican official?—A. No, sir; I do not know.

Q. Have you ever heard that he has been?—A. Yes, sir; he told me that he was afraid; that is all that I know about it; that he would come a different way and go back a different way to town every time.

Q. You do not know that he has ever been molested?—A. No, sir; I do not.

Q. You do not know that any threats have ever been made against him?—A. No, sir; I don't.

Q. Is Brown a white or colored man?—A. He is a colored man.

Q. Do you know William Holle?—A. Yes, sir; I do.

Q. Hubert is a Republican, is he not?—A. Yes, sir.

Q. And so is Brown?—A. Yes, sir.

Q. Do you know William Holle?—A. Yes, sir.

Q. What is he, a Democrat or Republican?—A. He is a Republican, I believe.

Q. What office did he run for at the last election?—A. County commissioner.

Q. Was he elected?—A. Yes, sir.

Q. Has he been disturbed at all in the discharge of his duties as a Republican officer?—A. He told me he was warned not to qualify.

Q. He did qualify?—A. Yes, sir; I went with him to the court-house myself to see that he did qualify.

Q. Has he been disturbed to your knowledge in the discharge of his duties as a Republican officer?—A. No, sir; not to my knowledge.

Q. Is he discharging the duties of the office now?—A. I believe so.

Q. And he has been since he qualified?—A. I think so.

Q. Do you know Lewis Walton?—A. I don't believe I do.

Q. He was elected constable; he is a colored man.—A. At what precinct?

Q. At Gay Hill.—A. No, sir; I don't think I know him.

Q. Do you know C. J. Campbell?—A. Yes, sir.

Q. Was he a candidate at the last election?—A. I think he was.

Q. Is he a Republican?—A. I could not say as to that, sir.

Q. What office did he run for?—A. Justice of the peace, I understood.

Q. Was he elected?—A. I think he was; I believe he was elected.

Q. Did you ever hear of any threats being made against him?—A. No, sir; none at all.

Q. Have you ever heard of anybody molesting him at all in the discharge of his duties as a Republican official?—A. No, sir; I do not think he was a candidate on the Republican ticket then. I think they run a man named Trenk as a Republican.

By Mr. SPOONER:

Q. This man was a cripple, was he not, and was elected in a Democratic precinct?—A. Yes, sir.

Q. Through sympathy?—A. Yes, sir.

Q. Do you know William Ehlert?—A. Yes, sir; I do.

Q. Was he a candidate at the last election?—A. Yes, sir; he was a candidate at the last election.

Q. For what office?—A. For the office of tax-collector, I believe.

Q. What were his politics?—A. I understand he was a Republican.

Q. Is he living there now?—A. Yes, sir.

Q. Did you ever hear of any threats being made against him?—A. No, sir; I don't believe I ever have.

Q. C. C. Bryan, what office did he run for; do you know him?—A. County clerk, I believe.

Q. Is he a Republican?—A. Yes, sir.

Q. Did you ever hear of any threats made against him?—A. Not that I know of.

By Mr. EVARTS:

Q. I did not ask you your age?—A. I am 34 years old.

Q. You are a justice of the peace, but what is your profession or employment?—A. I am a farmer by occupation; I was raised on a farm.

Q. You are not a lawyer by education or profession?—A. No, sir.

Q. Do you own your farm there?—A. Yes, sir.

Q. How near is that to Brenham?—A. About four miles; I also own a place in town.

By Mr. SPOONER:

Q. Did you hear of any threats being made by Republicans?—A. None at all.

Q. White or black?—A. No, sir.

Q. Did you hear any propositions of insurrection from colored people?—A. None in the world; no, sir.

Q. Who circulated those reports of threatened and apprehended insurrection?—A. All the news we got about it was from the Democrats.

Q. Do you remember any prominent Democrats who were officious and active in creating excitement there, and perpetuating?—A. Yes, sir; I know of a good many who were.

Q. Name some of them; who were they?—A. Mr. C. C. Boyd is one that I would hear talking a good deal; and I heard of Mr. Tristram talking, and Mr. Leman talking.

Q. How about Judge Kirk?—A. I have heard of his talking too, a great deal.

Q. Then these rumors of apprehended violence from the negroes came from the Democrats?—A. Yes, sir; altogether.

By Mr. EUSTIS:

Q. Did you hear them talk yourself?—A. No, sir; I said I heard of it only.

Q. You do not know anything about it then only from hearsay?—A. No, sir; only what I heard.

Q. Who informed you of this talk as you call it; who told you that these particular gentlemen had been talking in the way you describe?—A. Their friends; I would not like to give their names; I do not think it would be safe.

Q. That is what we would like to know; who are those individuals?

The WITNESS. Those individuals who told me about it; is that what you mean?

Mr. EUSTIS. Who were the persons that told you that Judge Kirk, Mr. Tristram, and Mr. Boyd had circulated reports, and encouraged the circulation of these reports, that the negroes were arming and going to create a disturbance with the white people?—A. I don't want to give their names unless I am forced to. It was under strict confidence to me; they said their lives would be in danger if I ever told it.

Q. I insist upon an answer from you.

The WITNESS. Will I have to answer that question?

Mr. EVARTS. I do not understand exactly the point that you make as to your being unwilling to testify. If those communications were made to you in confidence, and with obligation not to tell them, then you ought to so inform us and we will pass on that question, then, whether we wish to insist upon it. I do not understand you as yet to have said whether or not this communication was given you in secrecy and with obligation not to use it.

The WITNESS. Yes, sir; it was given to me in secrecy, and they asked me to say nothing about it.

Mr. EVARTS (to Mr. Eustis). Now you must consider whether you wish to insist upon it.

Mr. EUSTIS. I insist upon an answer to the question.

The WITNESS. I do not want to answer it unless I am forced to.

Mr. EVARTS. The committee thinks, if it is insisted on by the other side, that you must answer that question.

The WITNESS. A gentleman by the name of Shepherd was the one who told me the most of what I know about it.

Q. What is his first name?—A. T. T. Shepherd; we call him "Doc" Shepherd.

Q. Is he a Republican or a Democrat?—A. I think he claims to be a Republican, though I could not say what he is.

Q. Was he not a candidate for office as a Republican?—A. No, sir.

Q. Two years ago; just refresh your memory a little?—A. I believe he went before the convention as a candidate.

Q. Before what convention?—A. Before the Republican convention; I think so; I was not there at the time.

Q. Is he not generally known to be a Republican?—A. I think so.

Q. You never heard that he was anything else, have you?—A. Oh, yes, sir; he used to be a strong Democrat, I understood.

Q. I mean within the last two years?—A. We considered him as being a Republican; yes, sir.

Q. Who else told you?—A. I will have to think a little about that. I do not remember just now, there was so many telling me every day.

Q. Take your time, then?—A. (After a pause) I think another gentleman did; his name was Wilson.

Q. What is his first name?—A. I don't remember his first name; he is an old gentleman, a carpenter there.

Q. What are his politics?—A. He said he had voted the Democratic ticket forty years, he told me; he is a Democrat, I believe.

Q. What did Wilson tell you?—A. Well, I cannot remember precisely what he did tell me; he just told me about certain men talking.

Q. Do you remember anything that he told you?—A. No, sir; I could not say positively that he told me any certain thing; I know that he talked to me nearly every day; he worked close to my place there.

Q. I want to know what he told you with reference to your statement which you made that Judge Kirk, Mr. Boyd, and Mr. Tristam said?—A. I cannot remember what he told me.

Q. You do not remember anything that he told you?—A. No, sir; I don't; I could not say whether it was him or Mr. Boyd.

Q. Then, why did you give him as one of the persons who made those communications to you if you do not remember what he said?—A. I remember that he talked to me a great deal about it, and would tell me things that he would hear during the day, and so would Mr. Shepherd.

Q. Did he tell you that Judge Kirk circulated those reports that the negroes were arming?—A. No, sir; I don't say that those gentlemen circulated those reports.

Q. What do you say?—A. My understanding was that you asked me who was doing the talking around town about the matter.

Q. What do you mean by "talking around town"? I never asked you such a question.—A. I did not understand what you meant about it.

Q. That was your expression; it was not mine; I got it from you. What do you mean by "talking about town"?—A. That was what I understood you to ask me. What question was it you asked me, then?

Q. Did not you say that the Democrats were keeping up this excitement?

Mr. SPOONER. He said it was so reported.

Q. That they were keeping up this excitement by circulating reports that negroes were arming in order to create a disturbance?—A. Yes, sir; that is the way we understood it.

Q. That is what you said. Then you stated that there were certain individuals whose names were given to you as having circulated those reports?—A. No, sir; I did not say that.

A. What did you say?—A. I didn't understand your question then.

Q. In what connection did you mention Judge Kirk, Mr. Boyd, and Mr. Tristam?—A. You asked me I understood——

Mr. SPOONER. I asked you if Judge Kirk was among those who were reputed to have said or to have prophesied there would be a negro uprising and you said yes.

The WITNESS. Well, I misunderstood it then. I don't think I ever heard of Judge Kirk's saying that.

Q. In what connection do you now mention the names of those three gentlemen?—A. Sir?

Q. In what connection do you mention the name of Mr. Boyd, Judge Kirk, and Mr. Tristam?—A. As just talking generally about the affair.

Q. Talking generally?—A. Whenever there was any news I would generally get it from some of them.

Q. Do you remember whether or not Mr. Wilson mentioned Judge Kirk's name to you?—A. No, sir; I do not think he ever did.

Q. Do you know whether he mentioned Mr. Boyd's name to you?—A. Yes, sir; I remember his talking about Mr. Boyd several times.

Q. And what did he say about Boyd?—A. No, sir; I do not remember about that.

Q. You do not remember anything that he said about Boyd?—A. No, sir; nor any one of them specifically.

Q. How about Tristam?—A. I don't remember; I never paid much attention to them; it was general reports around.

Q. Do you remember what he said about Tristam?—A. No, sir; I don't.

Q. Do you remember that he said anything?—A. No, sir; I don't.

Q. Who else gave you the information?—A. Well, in one case here there is a telegram to Robinson from the chairman of the citizens' committee, on November 8. He telegraphed from Courtney to the sheriff to send him fifty armed men down to Lotts' store; that there was a negro insurrection apprehended.

Q. Did you get that telegram?—A. I have a copy of it printed in the Banner.

Q. Did you ever see this telegram before?—A. I saw it when it was printed next morning in the paper, and I heard of it that night.

Q. It has nothing to do with Judge Kirk or Mr. Boyd or Mr. Tristam, has it?—A. No, sir; I said that was one of the ways we could hear our news.

By Mr. EVARTS:

Q. At this inquest on those colored men who were hanged, was there any evidence there affecting or injuring the reputation or character of those dead men; was anything said against them?—A. No, sir; not a word.

Q. No evidence was offered as a reason for their being hanged?—A. No, sir.

Q. What efforts were made to get evidence before that inquest to show who it was that was engaged in hanging them?—A. Sir?

Q. What efforts were made to get witnesses to testify as to who were guilty of hanging those men?—A. Well, it was each juror's duty to inquire and try to find out who did it and get up evidence himself, and then we would meet and have it sworn to and take it down in writing. The first day we got all the witnesses we could and then adjourned over for two or three days, and during that time some of the jurors told me they had been threatened, and they wanted to get through with it; that they were not going to have anything more to do with it, and one of the jurors wanted to get off the jury entirely. I believe that juror is here now.

Q. What did you do towards getting witnesses; what could you do about it; you were acting as coroner?—A. Well, I could issue subpoenas for them and send the constable after witnesses. As we heard of any witnesses who knew anything about it, we could issue subpoenas and force them to town to swear.

By Mr. EUSTIS:

Q. Who was that juror you spoke of who wanted to get off the jury?—A. Mr. Frank Newman. He never told me so himself, but an attorney told me he came to him and asked if there was any way for him to get off the jury.

Q. Who was that attorney?—A. Mr. Eddins. Mr. Newman reads law in Mr. Eddins's office.

TESTIMONY OF PAUL FRICKE.

PAUL FRICKE, being duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. How old are you?—Answer. I am thirty-six years old.

Q. Where do you live?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have been living in the town there eighteen or nineteen years; I was born and raised in that county.

Q. Are you a Republican?—A. Yes, sir.

Q. How long have you been such; that is, how long have you acted with the Republican party?—A. Since I was twenty-one years old.

Q. You are a German, are you?—A. Yes, sir.

Q. Do you know Mr. S. A. Hackworth?—A. Yes, sir.

Q. And Mr. Schutze?—A. Yes, sir.

Q. And Mr. Moore?—A. Yes, sir.

Q. Is Washington a Republican or Democratic county?—A. A Republican county.

Q. How many years since the war has it had Republican county administration?—A. It always had Republican county administration, except two years ago, and then there was a split in the Republican party.

Q. There have been now and then Democrats elected to some particular office?—A. Yes, sir; only, I believe, the county clerk there.

Q. Which have been the strong Republican precincts in the county?—A. Washington and Chappel Hill precincts.

Q. Is Graball a polling place in the Washington precinct?—A. Yes, sir.

Q. And Flewellen also?—A. Yes, sir.

Q. And Lotts' store?—A. Yes, sir.

Q. Is that the strongest Republican precinct in the county?—A. Yes, sir.

Q. That is in the Colored Belt?—A. Yes, sir.

Q. Who were the Republican leaders of that county; I mean the men who took part in the campaign and were active in promoting the success of the Republican ticket by meetings?

The WITNESS. In the last campaign?

Mr. SPOONER. Yes, and generally.

A. Well, there was Mr. S. A. Hackworth, and Mr. Moore, and Mr. Harvin, Mr. Potter, and Joe Hoffmann.

Q. And yourself?—A. Yes, sir; and myself, and Mr. Tom Lockett; that is, Mr. T. J. Lockett.

Q. Those were the leading active Republicans in the county?—A. Yes, sir.

Q. Do you know anything about the circumstances under which Mr. Hackworth left there?—A. Yes, sir.

Q. Tell the committee, if you please.—A. Well, Mr. Hackworth took a very active part in the last campaign and we had to be very cautious prior to the election in holding our meetings; in fact, our intention was not to hold any meetings at all, but the Democratic candidates on the other side forced us out. We never started out till five weeks before the election. We had agreed to hold no meetings at all, and of course when we started out Mr. Hackworth took an active and leading part in it, and so did Mr. Moore and myself and others. The day after the election it was generally understood that the Republican ticket was elected, and that day they gathered there, and there was a young man killed down in the lower precinct, Mr. Bolton, and they seemed to gather there to hold a meeting and they did hold it.

Q. They held it where?—A. At Brenham, at Eldridge Hall.

Q. That was November 5?—A. No, sir; that was November 3; and in that meeting I was told that a gentleman got up there and made a motion to have Hackworth and two or three others expelled from the county within 24 hours, and it went on and the notice came to us, or to

Hackworth, and even to myself that Hackworth had to leave the county. There was no use talking, he had to leave; in fact, I staid up with him four or five nights myself.

Q. Were you at that meeting?—A. No, sir. I staid up four or five nights with him and the threats were generally known there that they were going to kill him.

Q. Had he committed any offense besides being an active Republican, that you know of?—A. That was all.

Q. What is the sentiment there as to excitement about election time?
A. I don't understand you exactly.

Q. Well, was there much excitement?—A. Oh, yes; there was a fearful time there. Why, the Republicans were not allowed to talk to one another. I suppose I had fifty men to come to me and tell me of notices they got not to be caught talking with Republicans; they would not allow them to talk together, and even plenty of Democrats there themselves were afraid to say much. There were men there trying to get up a meeting—an indignation meeting—to condemn these outrages, but they were advised not to try it.

Q. Which outrages, the outrages upon the ballot-boxes?—A. Yes, and threatening those men to leave the county; they wanted to put a stop to it. I know a couple of Democrats there who went to see the citizens around town there to get up a meeting to try to put a stop to it. Hackworth had not done a thing, so far as I know, and I don't believe anybody heard Hackworth say anything out of the way.

Q. There were two Democratic meetings there in the nature of indignation meetings, were there not, after the election?—A. Yes, sir.

Q. It was reported through the county that in this Washington precinct the ballot-boxes had been raided and the ballots stolen?—A. Yes, sir.

Q. Did you hear of that being condemned at all at any of those indignation meetings?—A. No, sir; I did not.

Q. The condemnation was directed against the shooting of Bolton mostly, was it not?—A. Yes, sir.

Q. Did you know of any rewards being offered, or efforts being made to discover and arrest the perpetrators of these outrages upon the ballot-boxes?—A. No, sir.

Q. You did not hear anything of the kind?—A. No, sir.

Q. Do you remember about the hanging of those colored men?—A. Yes, sir.

Q. Did you know those men?—A. Yes, sir.

Q. You knew the three colored men who were hanged?—A. Yes, sir.

Q. They were Republicans, were they?—A. Yes, sir.

Q. Were they reputable men?—A. Yes, sir; men of good standing, so far as I know.

Q. Did you know of any effort being made to arrest and discover the man or any of the men who hanged them?—A. No, sir; not that I know of.

Q. No rewards have been offered for their apprehension?—A. No, sir.

Q. There were rumors of a negro insurrection there?—A. Yes, sir.

Q. Do you know of any foundation for any such reports?—A. No, sir.

Q. There was a great excitement among the negroes, I suppose?—A. They all kept themselves mighty close in their houses; they were afraid to talk to anybody, so far as I could see and hear.

Q. Did you hear of any threats being made by Republicans against anybody?—A. No, sir.

Q. The threats came from the Democracy, did they?—A. Yes, sir; they did that.

Q. Did you know of any Republicans, leading Republicans, creating or attempting to get up an excitement?—A. No, sir.

Q. How about Democrats?—A. It was just the reverse.

Q. Do you remember any Democrats who were officious and busy in circulating rumors of threatened insurrection or creating excitement?—A. That was all the go there for about two months.

Q. Can you name any of the leading Democrats who did that?—A. No, sir.

Q. Do you remember when S. A. Hackworth left town?—A. I don't remember exactly the day.

Q. Did you go with him to the depot?—A. No, sir; I did not. I did not know that he was going to leave that day. I saw him and he said he had been ordered to leave.

Q. Well, he was forced to leave, was he?—A. I will tell you as much as I know about it. On Friday or Saturday I saw Mr. Bryan talking with him.

Q. What is he; a young lawyer in Brenham?—A. Yes, sir.

Q. An active Democrat?—A. Yes, sir. On Sunday morning Mr. Hackworth told me he said the way everything was going that he believed he was forced to sell and go away from there. On Monday morning I went around to see him again. I went up in his brother's office to ask for him. When I went in there he was sitting in the back room. When I opened the door he was sitting with Mr. Bryan talking, and as he came out, in about a minute or two, I saw that Hackworth looked excited, and, in fact, tears were in his eyes, and he said to me, "Paul, I have got to leave; my hour has come"; just those words. He said, "I haven't a minute's time to talk to you; I am going right down to my house; an arrangement is made to take my place, and my hour has come to leave"; and he had to leave.

Q. And that the arrangements were made to take his property?—A. Yes, sir; and he had to leave. Then he went down to his house at 12 o'clock, and I told him if I were him I would not leave; I told him I would die right there in his house before I would leave the county. He says he was not afraid of meeting anybody, but he was afraid of the mob; he did not want to be mobbed. He said he had agreed to go, and that evening he left. I did not get to see him any more. He left at 6 o'clock that night.

By Mr. EUSTIS:

Q. You say you were a very active Republican?—A. Well, I generally take a part in it; yes, sir.

Q. You were actively engaged in the campaign, were you not?—A. Yes, sir.

Q. As one of the Republican leaders?—A. Yes, sir.

Q. Were there any threats made against you?—A. No, sir.

Q. How do you explain the fact that, as an active Republican leader, no threats were made against you, and threats were made against Hackworth?—A. Well, Hackworth—he was looked upon as the leader of the colored Republicans there.

Q. Do you think that is the reason that threats were made against him and not against you?—A. Well, that was the general talk; that they wanted to get rid of him.

Q. It was not the fact that he was merely a Republican, was it?—A. Well, he was a Republican leader.

Q. I understand that; but you are both active and leading Republicans?—A. Yes, sir.

Q. Now, you state the reason why threats were made against him, and not made against you, was that he was considered as a leader of the black Republicans?—A. Yes, sir.

Q. Then it is not for the reason that he was simply a Republican?—A. Well, I don't know that. He was looked upon as being a leader in the Republican party, and controlling the colored vote, and he has been there for twenty years. He stood at the head of them.

Q. What threats were made against him—against Hackworth?—A. I cannot tell any further than I have said; that which he told me himself; those are the threats.

Q. What did he tell you?—A. Well, just as I stated. The last time I saw him was on Monday, the day he left. He came out of the office with Mr. Lewis Bryan, and he stated to me just those words as he came out.

By Mr. SPOONER:

Q. You say there were tears in his eyes?—A. Yes, sir; there were tears in his eyes. He says, "Paul, my hour has come; I have got to leave here;" and he says, "I have got no time to talk to you; they have made an arrangement to take my property, and I have got to leave." And then I went back, at dinner time, and saw him.

By Mr. EUSTIS:

Q. Did he then tell you what threats had been made against him?—A. He told me then that Bryan had told him that at 11 o'clock there would be 300 men in that town and they could not keep them off of him.

Q. What time was it that you had this conversation with him?—A. It was 10 o'clock.

Q. Ten o'clock in the morning?—A. Yes, sir; 10 o'clock in the morning.

Q. And he told you that the reason why he was going to leave was that Bryan had told him that there would be 300 men in that town and that they could not keep them off of him; what else?—A. Three hundred men in town by 11 o'clock.

Q. For what purpose?—A. He said they would be sure to kill him. I think that is the word he used, or mob him.

Q. Did he speak of any other threats having been made?—A. I don't remember.

Q. So far as you know from him—Hackworth—was this the only threat that was made against him?—A. Yes, sir; except the general talk on the street that I heard there that he had to leave, they were threatening to kill him; but this is what I heard him state to me myself.

Q. And you say there was great excitement there?—A. Yes, sir.

Q. Great excitement on both sides?—A. No, sir; there was great excitement on the Republican side, in keeping themselves mighty close in their houses, and the excitement and hurrahing was on the other side.

Q. When was the greatest excitement?—A. The greatest excitement was from the first time they held the meeting, you may say, up to the time they hung those colored men. I believe they were hung the first part of December; about the 8th or 9th.

Mr. JODON. It was the 2d of December that they were hung.

Q. After the hanging of these colored men did that excitement subside?—A. It was kept up there, sir. Right after the hanging there were some letters written, and Judge Kirk received one, too, and the gen-

eral impression there seems to be that the letter was written just for the purpose of keeping up the excitement.

Q. Have you ever held an office?—A. Yes, sir.

Q. What year?—A. In 1882-'83, I believe.

Q. What office did you hold?—A. I held the constable's office there.

Q. You were appointed, were you not?—A. Yes, sir.

Q. Previous to this last election do you know of any disturbance or molestation so far as Republican office-holders are concerned?—A. Of any troubles?

Q. I mean to say if a Republican was elected to an office, before the last election, did he have any trouble or disturbance of any kind; did anybody molest him on account of his being a Republican office-holder?—A. No, sir; I could not say that.

Q. Then do I understand you that up to that time the Republican officers held their offices quietly and discharged their duties without any molestation from anybody?—A. Yes, sir?

Q. You say that Judge Kirk received a letter telling him to leave?—A. Sir?

Q. I understand you to say that Judge Kirk had received a notice or letter telling him to leave?—A. I do not remember the words that his letter stated exactly; I believe, though, the words that were in it, they said, were to look out, that he would be shot at any moment; that he was the cause of all the trouble and the killing and hanging of these colored men?

Q. How do you account for Judge Kirk's having received such a letter; have you any explanation of it?—A. It is just as I said before. It seemed to be the general opinion there — Well, I will just tell it exactly how it was that I first heard of it. When I first heard it, it was the general talk around my office there that he had written it himself.

By Mr. SPOONER:

Q. As a stand-off on the other notices?—A. Yes, sir; but at 1 o'clock I went up town and I thought if I saw Judge Kirk I would ask him to let me see the letter. I wanted to see the letter because I was familiar with his handwriting. It so happened that I met Mr. Jodon there, and Judge Kirk was then coming up on the north side of the square, and I said I wanted to see Judge Kirk and see that letter they are talking about his having received, and saying it was a letter which he wrote himself and I wanted to see whether he did write it or not. We met Judge Kirk and Mr. Jodon read the letter, and I looked at it, and I told him then that some man wrote it who was in the habit of using the pen every day. It did not seem to me that it was exactly Judge Kirk's handwriting; I could not say that.

By Mr. EUSTIS:

Q. Who did you hear say that probably Judge Kirk had written this letter?—A. Well, I run a cotton business there, and there was a cotton sampler came on the platform and he was talking about it. I was sitting in my office doing some writing while he was talking, and he was laughing over it, and he said, I heard him say, that he had written it himself, but I never paid any attention to it. But finally he kept up the talk about the letter, and I went out and asked him about it, and he said it was the fact that he had got the letter, and I said, "You are joking." He said no; that he did receive a letter, and told me to look at it; that he might be shot at any moment. And men came in from the country and were going up town and coming back to my office, and I would ask

them then what was the talk about this letter, and they would tell me that the talk around town was that Judge Kirk had written it himself. That is exactly what I heard.

Q. Can you name any of these parties?—A. No, sir; I could not; they were customers of mine. The first man who started this was a young man named Porters, and I suppose these men had heard it there. I could not tell who they were except by looking at my books. I might be able to tell by looking at my books and finding out what customers I had that day. But it seemed to be the general understanding, and the talk was that way.

Q. How old is this man Porters?—A. He is a young man about twenty or twenty-one years of age.

Q. Do you know whether or not he is a voter?—A. I could not tell you, but I believe he did vote; that was the first time he voted, I believe, but I am not sure about that; it seems to me that he cast his first vote at the last election.

By Mr. SPOONER :

Q. You say it was the general opinion around town that Judge Kirk wrote that letter himself?—A. Yes, sir; it was for the first day or two at least.

Q. Did the judge show that letter around town pretty generally?—A. I do not know about that; he showed it to Mr. Jodon and myself.

Q. He did not hesitate at all in showing it to you?—A. No, sir; not at all. I will state, in addition, that a young Democrat came up there at the time Mr. Jodon and myself were reading it, a young man named E. B. Muse, an attorney there, and asked Judge Kirk to let him see that letter, and he looked at it and commenced laughing, and said, "Why, some friend of yours wrote that," and he laughed over it.

Q. Did anybody think it was a serious letter which had been sent to Judge Kirk, at that time, in the town?—A. No, sir.

Q. It was considered as a joke?—A. Why, certainly.

Q. So far as it involved any danger to Judge Kirk?—A. Yes, sir.

Q. Did you hear any talk afterwards about Mr. Rodgers having written that letter?—A. Yes, sir.

Q. Who was Mr. Rodgers?—A. He was the county attorney.

Q. And a friend of Judge Kirk's?—A. An intimate friend, I suppose.

Q. Did that version of the affair come to be pretty generally believed in the community?—A. That was all the talk then—that he was the man who wrote it.

Q. Afterwards the opinion sprang up that it was written by Mr. Rodgers?—A. Yes, sir.

Q. Were you in Brenham on election day?—A. No, sir.

Q. Where were you?—A. I was out at Gay Hill, about 10 or 12 miles northwest of Brenham.

Q. Two years before there had been an outrage committed at the Chapel Hill polling place?—A. Yes, sir.

Q. Which was at that time a strong Republican polling place?—A. Yes, sir.

Q. A colored polling place principally?—A. Yes, sir.

Q. And the poll was raided by masked, armed men, was it not?—A. It was so reported.

Q. And one or two of the colored officers were shot?—A. Yes, sir; two of them, I believe.

Q. No white officers at that poll were shot, were they, at that time?—A. No, sir.

Q. Or shot at, that you ever heard about?—A. No, sir; not that I know of.

Q. Was there a Democratic executive county committee?—A. Yes, sir; I believe so.

Q. Do you know who constituted that committee for this campaign of 1886?—A. No, sir; I am not sure about that.

Q. Do you recollect any of the members of that executive committee?—A. I think Mr. Searcy and Mr. Bryan were members of it, but I am not sure.

Q. This Mr. Bryan whom you mention as being on that Democratic executive county committee, is he the man you referred to as talking with Stephen A. Hackworth?—A. Yes, sir.

Q. And advised him, as Mr. Hackworth said, that there would be a mob there by 11 o'clock?—A. Yes, sir.

Q. What is his full name?—A. L. R. Bryan.

Q. And he was a member of this Democratic county committee?—A. I am not sure of that.

Q. But that is your opinion?—A. Yes, sir; I know he made a call there, by some means, of a Democratic meeting; he was either chairman or member of a committee. I remember he made a call there once for two or three counties to come together.

By Mr. EUSTIS:

Q. How long have you lived in Washington County?—A. I was born and raised there.

By Mr. SPOONER:

Q. I will ask a question which I omitted to put. Do you know, from report or otherwise, whether this Mr. Bryan was an officer of the indignation meeting, so called, that was held at Eldridge Hall?—A. If I remember right, he was secretary of one of the meetings.

By Mr. EUSTIS:

Q. What do you say your business is?—A. I am in the cotton business.

Q. How long have you been engaged in that business?—A. I have been in that business about six years, I believe.

Q. How long have you been a Republican?—A. I have been a Republican all my life.

Q. You live in Brenham?—A. Yes, sir.

Q. What sort of a community is that; a law-abiding community? Leaving out of view what took place last November and December, what sort of a community is it as to being an orderly and law-abiding one?

The WITNESS. Do you mean since the last election?

Mr. EUSTIS. No; I speak of it before the election, leaving out what took place last November and last December.—A. I consider it a law-abiding country; it is one of the oldest counties in the State.

Q. Does the mere fact that a gentleman votes the Republican ticket there expose him to trouble of any kind?—A. It used not to be the case.

Q. I speak of it before these events which transpired in November and December last.

The WITNESS. Do you mean the election prior to the last one?

Mr. EUSTIS. Yes; the condition of society there during previous elections.

The WITNESS. Do you mean were any Republicans prevented from voting?

Mr. EUSTIS. No; I ask you this: If any man, like yourself, for instance, votes the Republican ticket, is he on that account in any way molested, or has he been before these late occurrences?—A. No, sir; not that I know of.

Q. Does that interfere with his business relations or anything of that kind?—A. No, sir.

Q. Now, I ask you whether it is not a fact that the strong prejudice which has been created against certain individuals there is because they tried to unite the negro vote against the white vote?

The WITNESS. How is that?

Mr. EUSTIS. I ask you whether the strong prejudice which exists against certain individuals, and which exists, we will assume, for instance, against Mr. Hackworth and these other two parties who have signed this petition, whether it does not arise from the fact that, as Republican leaders, they tried to unite the colored vote and the colored people against the white vote and the white people?—A. No, sir; there is no such fact about it; the Republican party was united, sir.

By Mr. SPOONER:

Q. White and black?—A. Yes, sir; white and black; and if it had not been for the Democrats sending their runners out the day of election we would have carried that county by two thousand majority.

By Mr. EUSTIS:

Q. I do not think you understand my question.—A. Yes sir; I believe I do.

Q. You certainly do not answer it. I do not ask you what would have been the result at this last election. I ask you whether the strong prejudice and excitement which was directed against Mr. Hackworth and those two other leaders, and not against you and others like you, was not due to the fact that they tried to unite the colored vote and the colored people against the white vote and the white people?—A. No, sir.

Q. What was it due to, then?—A. I said it was for this reason: That he was looked upon as the head leader of the colored people, but there was no such thing as the leading of the colored people against the whites in that county. There was never such a word used by him or any other white Republican of that county.

Q. The general belief among the Democrats was that he was the leader of the colored people?—A. Yes sir; he had been a leader there for twenty years.

Q. He had been the leader of the colored people?—A. He had been the leader of the Republican party in general. All the white Republicans generally act together first and consult about the canvass, and then the leading colored men they consult then with them, and that is the way the general nomination was made, according as they agreed upon men, and it was just like the ticket was made this time. There were ten white Republicans and ten colored Republicans on the committee who made and nominated the ticket or suggested it to the convention. But there was no such thing as instigating the colored against the whites.

Q. What do you mean by calling him a leader of the colored people?—A. I call him a leader just like any other man who has great influence over the whites. He is a man who has great influence with the colored people. They have faith and confidence in him, and he has been there for twenty years. In the same way a great many men there have confidence in Colonel Giddings, and what he says is the go. It is the same with Mr. Hackworth.

Q. Have they no leaders among these colored people of their own race?—A. Yes, sir.

Q. Do you consider that his influence is greater than that of any colored leader with the colored people?—A. I will not say that. They generally meet and get together and consult over it, and he is a man who has always proved to be true and faithful, and they have confidence in him. He has never misled them to any wrongs; just like since the election and this uprising and excitement Mr. Hackworth has always advised them to keep quiet and not to open their mouths; not to have any excitement among the Republicans.

Q. Have you ever heard him make any speeches?—A. Mr. Hackworth? Yes, sir.

Q. Who was in the audience; were they almost all colored people?—A. Well, sometimes mainly all colored, and sometimes colored and whites together; it depended altogether in which direction he went.

Q. How many white Republicans are there in Brenham, do you know?

The WITNESS. In the town of Brenham?

Mr. EUSTIS. Yes.

A. I do not know.

Q. About how many?—A. I have no idea; I could not get at it exactly.

Q. I do not ask you to get at it exactly; I want it as near as you can state.

The WITNESS. Do you mean just white Republicans in the town of Brenham?

Mr. EUSTIS. Yes.

A. That is very hard to get at.

Q. Just give your own estimate of it.—A. I suppose we have a couple of hundred there.

Q. You think there are 200 there?—A. Yes, sir.

Q. What is the population of Brenham?—A. It is between 5,000 and 6,000; in the neighborhood of 6,000.

Q. How many of the population are white and how many are colored, about?—A. I think they are all about equally divided. They have about 900 voters, I believe, in the town of Brenham, or between 800 and 900.

Q. And of those about 200 are white Republicans?—A. At least, I should suppose, but I have no idea about that; I never thought of that.

Q. But that is as near as you can come to it?—A. Yes; but I won't be sure about it.

Q. It is a mere opinion of yours. You say you think there are about 200?—A. Yes, sir; and maybe there are 300; I am not sure about that. I do not remember exactly the vote as it goes there.

By Mr. SPOONER:

Q. You say during this excitement subsequent to the election, you heard Judge Hackworth advise the colored people to keep quiet?—A. Yes, sir; he not alone advised the colored people; but the whites too.

Q. And that, too, while armed Democrats were coming to town in considerable numbers?—A. Yes, sir.

Q. Did you hear him give any advice to colored men not to bring their guns out of their houses at all?—A. Yes, sir; I heard him tell colored men not even to shoot a gun off in their own yards.

Q. On any account?—A. Yes, sir; under no circumstances.

Q. Do you know Mr. Schutze?—A. Yes, sir.

Q. Did he make any speeches during that campaign?—A. Not one.

Q. Do you know of his attending any public meetings during that campaign?—A. Not one, sir.

Q. How many German voters are there in that county?—A. I suppose there are very close to 2,000.

Q. Have you any means of knowing what proportion of the Germans voted the Republican ticket at the last election?—A. I suppose that about a thousand, and may be a little more, voted the Republican ticket.

Q. What was the usual Republican majority in that county?

The WITNESS. On the average in former years?

Mr. SPOONER. Yes, the ordinary and usual Republican majority.

A. From 600 upwards.

Q. What was the maximum?—A. I suppose about 750.

Q. What was the highest majority there?—A. The highest was about sixteen or seventeen hundred.

Q. And you say that the general majority was about what?—A. The average majority was about six or seven hundred.

By Mr. EUSTIS:

Q. Do you remember about the election of 1884?—A. Yes, sir.

Q. Which ticket was elected then?—A. The Democratic ticket, or People's ticket, as they called it.

Q. By what majority was it elected?—A. That I do not remember.

Q. Do you not remember it was over five hundred?—A. May be so; I could not tell you.

Q. Was there any disturbance at that election except this Chapel Hill disturbance?—A. No, sir; no other except the Chapel Hill box.

Q. Do you know whether the votes polled at Chapel Hill were returned as counted at that election of 1884?—A. Yes, sir.

By Mr. SPOONER:

Q. One of the negroes crawled under the table and carried the box with him, did he not?—A. Yes. That is, where the negroes were apt to get the advantage only, and they broke and run and held to the box. If they had staid a little longer they would have got it. That is how they came to get hold of the box.

By Mr. EUSTIS:

Q. Did you ever hear of Mr. Hackworth's writing letters and circulars?—A. Yes, sir.

Q. Did you and Mr. Schutze, or you and any one else, ask him to stop writing those letters and circulars?—A. I did not.

Q. Did you hear of anybody asking him or advising him not to do it?—A. I believe so. I believe Mr. Schutze told him not to write them.

Q. Do you know why he gave him that advice?—A. Well, he said it was too dangerous for him.

Q. What was the character of those letters and circulars?—A. They were just giving an explanation of the troubles and so on.

By Mr. SPOONER:

Q. This was after the election was it?—A. Yes, sir; after the election.

Mr. JODON. We have here both his circular and the letter to the News. Those were the only ones published.

By Mr. EUSTIS:

Q. Do you know why Mr. Schutze gave him that advice?—A. Yes, sir.

Q. What was the reason?—A. He said it was too dangerous for him.

Q. Why was it too dangerous?—A. That they might hurt him; that the Democrats might hurt him.

Q. Why?—A. They claimed that this man Bolton who got killed there was not disguised; that he was sitting there looking at the count and this colored man stepped up and killed him like a dog, and Mr. Hackworth wanted to have that explained so that the people would change their opinion, and Mr. Schutze said, "if you do not look out they will just mob you; they don't want anything of that kind to go before the people."

By Mr. SPOONER:

Q. That they did not want the truth?—A. No, sir; and that is just exactly it.

Q. The election two years ago was the first general defeat of the Republican ticket in that county within your recollection?—A. Yes, sir.

Q. And that was brought about by a division in the Republican rank and a fusion between certain disgruntled Republicans and certain straight Democrats under a People's ticket, was it not?—A. Yes, sir.

Q. The Republicans universally thought they had carried the last election if the votes were honestly counted in that county?—A. Yes, sir.

Q. And Mr. Hackworth was in favor of the Republican officials contesting the election?—A. Yes, sir.

Q. He so openly proclaimed?—A. Yes, sir.

TESTIMONY OF FLORENT D. JODON.

FLORENT D. JODON, having been duly sworn, was interrogated as follows:

By Mr. SPOONER.

Question. What is your age?—Answer. I am in my fiftieth year.

Q. Where were you born?—A. At Emmitsburg, Frederick County, Maryland.

Q. Where do you live?—A. At Brenham, Washington County, Texas.

Q. How long have you lived there?—A. Nearly twenty years.

Q. What is your profession?—A. I am an attorney-at-law.

Q. How long have you been practicing law?—A. Since 1877.

Q. At what place?—A. At Brenham, Washington County, Texas.

Q. Are you a married man?—A. Yes, sir; I have a wife and seven children.

Q. What are you, politically?—A. I am a Prohibitionist for State officers and an Independent in our county politics. I voted for men on both tickets at the last election.

Q. Have you ever been a Republican?—A. Never. Up to 1873 I voted the straight Democratic ticket.

Q. Were you in the Army during the war?—A. Yes, sir; I was in the Southern army. I voted at the last election for Mr. Duhonay for governor.

Q. What is the political complexion of Washington County?—A. It is Republican.

Q. How long has it been so, to your knowledge?—A. Ever since I have lived in the county, for twenty years with one exception.

Q. What has been the average Republican majority there on the county ticket?—A. Some of the officers on the county ticket, of course, would be more popular than others, but the average was from five hun-

dred to fifteen or sixteen hundred. Mr. Joe Hoffmann, I believe, got nearly seventeen hundred.

Q. What is the average, about?—A. I presume about seven or eight hundred. I have no precise data, but that is my remembrance.

Q. About how many colored voters are there in the county?—A. The vote of the county is about equally divided between the whites and blacks, and has been for some time. At one time there was a majority of about two or three hundred.

Q. What is the the total vote of the county?—A. About fifty-six hundred to fifty-eight hundred votes.

Q. About one half colored?—A. Yes, sir.

Q. The colored men, as a rule, are Republicans?—A. Yes, sir; that is the rule. At the last election they voted solid, almost. The Democratic papers so stated, as I can show by my scrap-book, and that was the fact.

Q. There are a great many Germans in that county, are there not?—A. Yes, sir; a great many. The Germans have been increasing in number, and the white Americans have been decreasing by moving out for some time.

Q. Which are the strong Republican precincts there?—A. They are in the Black Belt, the eastern portion of the county. Lott's Store, Graball, Flewellen, and Chapel Hill are the polling places where the Republican vote is heavy.

Q. Those are the precincts which always give a Republican majority?—A. Yes, sir. That is down in the Black Belt, and the Republican majority there is always very large. In the western portion of the county the whites mingle together, and oftentimes the election is very close, and sometimes one party will get it and then the other party.

Q. But these precincts you mention in the Black Belt are strong Republican precincts?—A. Yes, sir; and cast heavy Republican majorities. It is the section where the large plantations were located before the war, and the negroes still remain there.

Q. Did you take any part in the last political campaign?—A. No, sir; no active part.

Q. Do you know Mr. Schutze?—A. Yes, sir.

Q. How long have you known him?—A. I have known him fourteen or fifteen years.

Q. He is one of the petitioners here?—A. Yes, sir.

Q. What has been his business there?—A. He has been an attorney, and the editor of a German newspaper.

Q. The editor of a German Republican newspaper?—A. Yes, sir.

Q. Did he take any part in the last campaign?—A. No, sir; he did not make a speech nor attend a public meeting, and it was through my advice that he refrained from doing so.

Q. Why did you give him such advice?—A. Because I thought it was consistent with the dignity of the office for which he was running, that he should not be mixed up in such a contest or turmoil.

Q. And he did not take any part in the campaign?—A. No, sir.

Q. For what office was he a candidate?—A. He was candidate for the office of county judge.

Q. Running against Judge Kirk?—A. Yes, sir.

Q. When was Judge Kirk elected county judge?—A. Two years ago.

Q. Tell us something about that election of two years ago. Judge Kirk is a Democrat, is he not?—A. Yes, sir.

Q. And always has been?—A. Yes, sir; he always has been; at least that is my information regarding him. Well, just before that election

the Republican county treasurer, C. C. Leib, defaulted to the amount of \$23,000 to \$24,000. I was an attorney in the case and I remember the amount. He was a German. That action upon his part so dissatisfied the Germans, who had been Republicans before that time, that they met with the Democrats and formed what was called a People's ticket, and elected it by a majority of, I think, 500 votes, and perhaps even a little more in some of the districts, in opposition to the straight Republican ticket. Besides this, the Republicans were divided. J. L. Moore ran as an independent candidate for sheriff against Mr. Harven, the regular Republican candidate for sheriff, and that divided the colored people considerably.

Q. Do you know S. A. Hackworth?—A. Yes, sir; very well.

Q. How long have you known him?—A. I think I have known Mr. Hackworth since 1867 or 1868, when I first went to the place.

Q. What has been his business during those years?—A. He was a justice of the peace there for some time, and lately, at the time this election took place, he was a land and real estate agent.

Q. Was he a man of property there?—A. Yes, sir; he owned a nice homestead, and I believe he owns a farm out in the country.

Q. He is a man of family?—A. Yes, sir; he has quite a large family.

Q. A wife and children?—A. Yes, sir.

Q. What had been his politics?—A. He had been a Republican always.

Q. Has he been, in any sense, a leader of the Republican party in that county?—A. Yes, sir; he has been a leader for both the colored and white element, but particularly so for the colored element.

Q. What do you mean by that?—A. I mean that they confided in him and had the utmost confidence in him, because, as Mr. Fricke said, he never misled them.

Q. Then you mean, by saying that he was a leader, that the colored people had faith in him, and, being a Republican, would listen to him?—A. Yes, sir; just the same as a Democratic leader would be listened to by his constituency.

Q. Was there any more conspicuous white leader among the Republicans than Mr. Hackworth?—A. Mr. R. A. Harvin at one time, I believe, was equal to him in leadership, but for a few years past he has lost that, and Mr. Hackworth has enjoyed the confidence of the colored people wholly.

Q. And the confidence of the white Republicans also?—A. Yes, sir; I have heard nothing against him. They met with them in convention and supported the ticket. Some of the Republicans have not agreed with Mr. Hackworth to some extent, I believe.

Q. You never knew a man to be a leader in either party where some of his party friends did not disagree with him, did you?—A. No, sir; I suppose it is the same as with others.

Q. What do you know about the campaign in that county at the last general election?—A. I know that for about a month, I should think, after the Democratic or People's ticket was in the field, and Judge Kirk, Mr. Rodgers, and perhaps others, were canvassing openly, that the Republicans took no active part, and had concluded not to do so. They feared the repetition, perhaps, of an outrage that took place at the Chapel Hill box two years before.

Q. What was that?—A. Some masked men went in there while they were counting the vote at night, fired into the election officers, and shot two of them.

Q. They were particular to fire at the colored election officers, were they not?—A. Yes, sir; it was a colored precinct, a very large polling place for the colored people.

Q. You may proceed.—A. About a month or five weeks after these gentlemen had been canvassing I heard Mr. Hackworth and others talking about it, and they thought it was necessary to go on the stump and meet them. They said they were spreading falsehoods in regard to them and the Republican party, and they thought it was necessary to go on the stump and meet those statements. They advised Mr. Schutze strongly to go upon the stump, and it was only through my advice that he did not go.

Q. The campaign went on?—A. Yes, sir; as campaigns ordinarily do, with the usual fusses and quarrels.

Q. What happened during the campaign?—A. I never attended a meeting or heard but one speech that was made, and that was a Democratic speech.

Q. What happened on election day?—A. At our place, that is, at Brenham, every thing went off quietly until the evening. Judge Kirk tried to raise a fuss, I understood, and cursed Mr. Moore at the Ansley Warehouse polling place and abused Mr. Potter, and some of the colored men heard him and sent for some one there to stop it. I went immediately to the town marshal, and a policeman was sent down there. I followed myself, and when we got down there Judge Kirk was quiet and everything was quieted down. But it was clearly shown by the feeling and quietness around there that there had been considerable trouble.

Q. You know nothing about that except what you have heard?—A. No, sir; only what I have stated.

Q. That was trouble with Mr. Moore and Mr. Potter?—A. Yes, sir.

Q. What do you know about the occurrences in the other parts of the county? By the way, what time was it in the afternoon that you saw Judge Kirk at the polls?—A. I think it was between 4 and 5 o'clock—perhaps 5, or about that hour.

Q. Do you think it was nearer 5 than 4 o'clock?—A. Yes, sir; I think it was nearly 5—perhaps fully 5; that is my remembrance.

Q. Were there any reports at that time as to the vote in its relation to this People's ticket in the strong Republican precincts of the county?

The WITNESS. As to whether or not they were defeated?

Mr. SPOONER. Yes.

A. Yes, sir; quite a number. It was the general opinion, and so talked of on the streets, that the Republican ticket was elected by a considerable majority.

Q. I asked you were there any reports as to how the election had gone in the Black Belt?—A. Yes, sir; there were men who came up on horseback and reported it.

Q. They reported that it was going strongly against the People's ticket?—A. Yes, sir; I remember Mr. Tom Whitman, a policeman, came up from Flewellen.

Q. He came to what place?—A. He came to Brenham. He had gone down there in the Democratic interest, and he told them, he says, "I could not do a thing down there for you, and therefore I left."

Q. He told whom?—A. He told me and he said that he told others so.

Q. Whom did he say he told?—A. I presume his party; I do not recollect.

Q. Do you know of any telephone messages coming from Flewellen or any of the polling places in that justice's precinct during the afternoon reporting as to the vote?—A. They have no telephonic or telegraphic

communication in the Black Belt except at Chapel Hill. The report from Chapel Hill was that the Republicans had carried the election strongly and that the negroes had voted solid.

Q. That message came by telephone?—A. Yes, sir; or telegraph, I do not know which.

Q. And it was circulated around there?—A. Yes, sir; it was common talk in the town.

Q. And you saw Judge Kirk in Brenham between 4 and 5 o'clock in the afternoon?—A. It was 5 o'clock I am satisfied, because I staid there a considerable while to see if the trouble had been all quelled.

Q. Did you ever travel from Brenham to the Flewellen polling place?—A. Not the entire distance.

Q. Do you know how far it is?—A. It is understood to be about 17 miles.

Q. Was there any way of getting there except by horseback or conveyance?—A. No, sir; there is no railroad at all.

Q. How far is Lotts' post-office from the Flewellen polling place?—A. I cannot tell you. I do not know except by hearsay. I am told it is about 10 miles.

Q. How far is it to Flewellen's from the Graball voting place?—A. About 6 miles; that I only know from hearsay.

Q. How far is Flewellen's or Graball from the Independence place?—A. I do not know; I should think about 15 miles.

Q. You do not know what happened in the black belt except by hearsay?—A. I know nothing of it except by hearsay.

Q. You heard about the robbery of the Lotts' post-office ballot-box?—A. I heard of the Flewellen box first.

Q. What time did you hear of that?—A. The next morning after the election, on the 3d of November. We heard that it had been raided and a man killed there, and that the Graball box had been stolen. But the Lotts' store box was not stolen until several days after.

Q. It was stolen the next day, was it not?—A. I think probably it was.

Q. It was stolen on the 3d of November?—A. I think so, but I did not hear of it until the next morning. The gentleman came to town, but I did not hear of it, as I know of, until the 4th.

Q. Judge Kirk was on the People's ticket?—A. Yes, sir; he was on the People's ticket, heading it.

Q. Who canvasses the vote of the county?—A. The county judge and four commissioners.

Q. Four men called county commissioners?—A. Yes, sir; the county commissioners who supervise the financial affairs of the county.

Q. What function does the judge discharge in that operation?—A. He gives the certificates of election to the officers, I believe, and if there is a tie in the vote, he casts the deciding vote.

Q. I suppose generally he is the only man on the canvassing board who is a lawyer?—A. Yes, sir; none of the others are lawyers.

Q. None of the others in fact were lawyers at this canvassing of this last vote, were they?—A. No, sir; I think not.

Q. So that under your law the county judge, where he is a candidate for office, aids in canvassing his own vote as well as the rest of the votes?—A. Yes, sir; that is the law in regard to it.

Q. What do you know about the arrest of the negroes or the inquest that was held there over Mr. Bolton?—A. Nothing, except by hearsay.

Q. You know, other than from hearsay, of the arrest of these negroes, do you not?—A. Oh, yes, sir; I was counsel for them in preparing application for the writ of habeas corpus.

Q. What were the names of those colored men who were arrested?—A. Shad Felder, John Glass, Alfred Jones, Stewart Jones, William Davis, and Stephen Jackson. I forget the other one now, but there were eight in all.

Q. How long had you known them?—A. I never saw one of them in my life before; if so, I did not know it. They told me they had never seen me when I went to Houston. I remember now that Handy Hayes was one of them also.

Q. These men were all Republicans, were they not?—A. Yes, sir; I have no doubt of it.

Q. All colored men?—A. Yes, sir.

Q. When did you first see them after their arrest?—A. I saw them at Houston about the 15th of November.

Q. They were arrested on the 3d of November?—A. Yes, sir; on the morning of the 3d. They were brought to the Brenham jail and put in jail there, and a mob came up, so we heard, for the purpose of hanging them.

Q. Did you see the mob?—A. No, sir; I did not. The sheriff, I understood, had seen them down in the bottom, a few miles from that place.

Q. Did you see any of these men while they were in the jail at Brenham?—A. No, sir.

Q. You were not retained by them until after their removal to Houston?—A. No, sir; in fact, their Republican friends were afraid to go to see them. They had asked me to prepare a writ of habeas corpus; Mr. Breedlove had asked me.

Q. How long before they were removed to Houston were you retained?—A. I was retained about the 14th or 15th of November and paid a fee, Mr. Breedlove and myself.

Q. Did you know upon what charge these men were committed to jail?—A. When I went to Houston the only thing I could derive any information from was the commitment of Judge Kirk on the charge of murder.

Q. Do you mean to say that these men were committed to jail by Judge Kirk?—A. I found out afterwards, when I prepared the second application at Brenham, that they were put in jail there by John A. Vernon.

Q. At Brenham?—A. Yes, sir. He was sent up from Flewellen's Store. He is a magistrate in that justice's precinct.

Q. Did you prepare applications for habeas corpus?—A. Yes, sir; two sets of them.

Q. For each of these men?—A. Yes, sir; each of these men, and I have them here.

Mr. SPOONER. This is a copy of the commitment:

THE STATE OF TEXAS:

To the sheriff or any constable of Harris County, greeting: You are hereby commanded that you take into custody and commit to the jail of your county Steve Jackson, Alfred Jones, Ephraim Jones, Shed Felder, John Glass, William Davis, Phelix Kinlow, and Andy Hayes, charged with murder, and them safely keep to appear at the next term of our county court to be held at Brenham on the 19th day of November, 1866, unless he gives good and sufficient bond in the sum of five hundred dollars

Given under my hand, officially, this 9th day of November, A. D. 1866.

LAFAYETTE KIRK,

County Judge, Washington County.

Issued 9th November, 1886.

Q. Were these men imprisoned under that commitment?—A. I will tell you what I know about it. I went to our district clerk—all these

murder cases come within the jurisdiction of our district court—I went to the district clerk before starting for Houston and asked him upon what process these men were confined. He told me he had none. When I got to Houston I went to the sheriff and he told me this was all he had in his possession by which he held them. He showed me the original, and this paper I have here is a true copy of it.

Q. He notified you then that he was holding these men under that commitment?—A. Yes, sir.

Q. Is your county court a court of criminal jurisdiction?—A. No, sir. We had quite a laugh over it down at Houston.

Q. Does the county court try men for murder?—A. No, sir; simply for misdemeanors.

Q. Have you known of any other instance than this of a man bound over or being committed on a charge of murder to be kept until the next term of the county court?—A. Oh, that is simply ridiculous. I never heard of such a thing in my life.

Q. You saw the original of this paper?—A. Yes, sir; this copy was taken from the original.

Q. Was it signed by Judge Kirk?—A. Yes, sir; it was in his handwriting.

Q. This is a true copy made by you?—A. Yes, sir; it is.

Q. Had there been any examination of these men on this charge?—A. None at all within my knowledge.

Q. Are they in the habit, when men are charged with murder down there in that country, of admitting them to five-hundred-dollar bail before examination?—A. No, sir; our law is that no man charged with murder can be bailed until he has had an examination, and a justice of the peace cannot bail him at all in a murder case. The county judge and others can, but it must be after an examination.

Q. When do you say these men were taken from Brenham to Houston?—A. It was about the 10th of November, I think.

Q. Then this commitment was issued the day before they were taken there?—A. Yes, sir; or the day after being sent there.

Q. And put in the hands of the sheriff?—A. Yes, sir; the officers who took them to Houston.

Q. How long had they been in jail before this commitment was issued?—A. About seven or eight days. They were arrested on the 3d, and on the 10th, I think, they were taken to Houston.

Q. In your examination as attorney, of course you sought to ascertain under what process they were committed in the first place?—A. Yes, sir; I went to the clerk and asked him where the jury of inquest papers were. He showed me a package which was sealed up, directed to the grand jury, which it is the duty of a magistrate to see is done. I told him I had not any right to open it, but I said, "Where is your commitment and charge against these men?" and he said, "I have none, unless it is in that package."

Q. Who told you that?—A. The district clerk; he is the custodian of all processes of that kind.

Q. Did you ever see any commitment of any kind under which these men were kept other than this?—A. I will show you the only other process which I used; it is here [exhibiting a paper].

Q. Where did you get this?—A. I got that from the sheriff of Washington County when I made out the second application.

Q. This was not sent down to Houston?—A. No, sir.

Q. And these men were not held in custody in Houston under this paper?—A. No, sir.

Q. But they were held under this commitment of Judge Kirk?—A. Yes, sir.

Q. This is a copy of the original?—A. Yes, sir; it is a true copy. I got the original from the sheriff and copied it myself.

Q. Is this a copy of the whole paper?—A. Yes, sir.

Q. Was there any indorsement on it?—A. Yes, sir; on one of these there is an indorsement.

The following is the paper referred to:

13 A.

The STATE OF TEXAS,
Washington County:

To the Hon. I. B. McFARLAND,
Judge 21st Jud. D.:

Your petitioner, John Glass, respectfully represents that he is illegally restrained of his liberty by George Ellis, sheriff of Harris County, Texas, under a commitment issued by L. Kirk, county judge of Washington County, Texas, a copy of which is attached hereto and made part of this petition. Wherefore he prays that a writ of habeas corpus may issue in his behalf.

JOHN (his x mark) GLASS.

Personally appeared before the undersigned authority John Glass, the petitioner above named, who, on oath, says that the allegations in the foregoing petition are true according to the belief of petitioner.

Sworn to and subscribed (by mark) before me, this Nov. 16, 1886.

ALEX. ERICHRON,
Clerk County Court, Harris Co., Tex.,
By L. H. WARING,
Deputy.

Copy of commitment.

The State of Texas to the sheriff or any constable of Harris County, greeting:

You are hereby commanded that you take into custody, and commit to the jail of your county Steve Jackson, Alfred Jones, Ephraim Jones, Shed Felder, John Glass, Wm. Davis, Phelix Kinlow, Andy Hays, charged with murder, and there safely keep to appear at the next term of our county court, to be held at Brenham on the 19th day of Nov., 1886, unless he gives good and sufficient bond in the sum of five hundred dollars.

Given under my hand officially this 9 day of Nov., A. D. 1886.

[SEAL.]

LAFAYETTE KIRK,
County Judge W. Co.

Issued 9th Nov., 1886.

13 B.

To the honorable I. B. McFARLAND,
Judge of the Twenty-first Judicial District of the State of Texas:

The petition of Steward Jones respectfully represents that your petitioner is illegally restrained of his liberty by N. E. Dever, sheriff of Washington County, Texas, under the charge of murder, and that the said N. E. Dever restrains your petitioner, as aforesaid, by virtue of a warrant to him directed by John A. Vernon, a justice of the peace in and for said county, a copy of which is hereto attached. Wherefore your petitioner prays your honor to grant him the writ of habeas corpus directed to the said N. E. Dever, sheriff as aforesaid, commanding him to bring your petitioner, together with the authority for his arrest and detention, before your honor at such time and place as to your honor may seem fit, that justice may be done in the premises.

STEWART JONES.

Before me this day in person came Steward Jones, who, being duly sworn, says that the allegations of the foregoing petition are true, according to his belief, this 30 day of November, 1886.

R. P. HACKWORTH,
Justice of the Peace, Wash. County.

The STATE OF TEXAS,
County of Washington :

In justice's court, Precinct No. 1.

The State of Texas to the sheriff or any constable of Washington County, greeting:

You are hereby commanded to arrest Shed Felder, John Grass, Alf. Jones, William Davis, Felix Kinlow, Steward Jones, Steve Jackson, and Handy Hayes, if to be found in your county, and bring them before me, a justice of the peace in and for said county, at my office in Washington, on the day — of instant, 1886, at — o'clock, — m., then and there to answer unto the State of Texas to a charge of committing the crime of being accessory to the murder of W. D. Bolton, contrary to law, and against the peace and dignity of the State of Texas.

Herein fail not, but of this writ make due return, showing how you have executed the same.

Given under my hand at Washington, this 3 day of November, 1886.

JOHN A. VERNON,
Justice of the Peace, Precinct No. 1, Wash. County.

(Indorsed:) Issued 3rd day of Nov., 1886. John A. Vernon, justice of the peace, W. County. Came to hand 3rd day of Nov., 1886, and executed 6th day of Nov., 1886, by the within-named Shed Felder, J. Glass, Alf. Jones, W. Davis, Felix Kinlow, Steward Jones, Steve Jackson, and Handy Hayes, and delivering them inside the Wash. Co. jail. N. E. Dever, sh'ff, Wash. Co., Precinct No. —, ——— County. By E. G. Laughammer, deputy sh'ff.

The State of Texas, Washington County, to N. E. Dever, sheriff of said county :

Whereas it appears to me by the application of Steward Jones, duly made as required by law for the writ of habeas corpus to be granted in his behalf, that he is by you illegally restrained in his liberty, under a charge of the supposed crime of murder.

These are, therefore, to command you, in the name of the State of Texas, to bring the body of the said Steward Jones, together with the authority of his arrest and detention, before me at Brenham in said Washington County, at the court-house thereof, by — o'clock m., on the — day of December, 1886, that an examination therein may be had, and that justice in the premises then and there may be done; and of your action in obedience hereto, then and there make your return as the law directs.

Given under my hand officially, at chambers, this — of —, 1886.

[SEAL.]

Judge of the 21st Judicial District of Texas.

By Mr. SPOONER:

Q. Where is this jail? in Brenham?—A. Yes, sir; it is in Brenham.

Q. You say you prepared two sets of papers?—A. Yes, sir.

Q. When did you prepare the first set?—A. On the 15th or 16th of November, when I went to Houston, I prepared them in the court-house there, and took the ex-deputy county clerk with me to swear to it.

Q. Is this a copy of your application?—A. No, sir; that is the application itself of each one. It is the original. I never presented them to the judge. They were brought back before I could do it, and that necessitated a further application.

Q. When were these men brought back from that jail to Brenham?—A. About the 18th or 19th of November.

Q. Was the fact that you had drawn the papers, and were proposing to apply for a writ of habeas corpus known throughout Brenham?—A. Yes, sir; well known.

Q. Who was retained with you as a lawyer to secure the liberation of these men upon a writ of habeas corpus?—A. Mr. C. R. Breedlove.

Q. Is he a prominent lawyer there?—A. Yes, sir; quite prominent.

Q. A Republican or Democrat?—A. He is a Democrat.

Q. Before you presented this first application to the judge the men were taken from Houston, and returned to Brenham?—A. Judge McFarland was then holding district court in an adjoining county, and told

us that he had ten or eleven murder cases on his docket, and he could not take them up at once as the law directs. He told us to hold them for a while. Then in the mean time they were brought up from Houston two days after I left Houston.

Q. Why were these men taken to Houston?—A. This mob that was coming up to hang them from below had been heard of——

Q. Upon whose direction were they taken to Houston?—A. I cannot say.

Q. Were they taken there at the instance of the sheriff alone?—A. I cannot say.

Q. They were taken there in order that they might be protected from a mob?—A. Yes, sir; to protect them from being hanged.

Q. Had the feeling against them quieted down before they were returned or brought back to Brenham?—A. It seemed to be entirely so. They were brought back without my knowledge of anything of the kind. They were brought up one night while I was down at the depot talking to a friend.

Q. Why were they brought back? do you know?—A. I do not know.

Q. At whose instance were they brought back?—A. It is said that the county commissioners court issued an order for them to be brought back.

Q. You say the excitement had all quieted down?—A. No, sir; there was considerable excitement yet, but I had no idea that the prisoners were in danger. It had died down, the excitement had, and we all thought in Brenham that there was no danger to them at all.

Q. So that you did not consider that the necessity that led to their original removal in order to protect them still existed?—A. No, sir; I did not, although Mr. Fricke warned me all the time that when the men were brought back they would be hanged, but I laughed at him.

Q. When were they brought back?—A. On the 18th or 19th of November.

Q. When were they hanged?—A. On the 2d of December.

Q. Did you ever have any talk with those men?—A. Yes, sir; at both Houston and Brenham I had full conversation with them in regard to what they knew.

Q. Did you talk with all of them, the eight men?—A. With all of them.

Q. Why did you not get the writ of habeas corpus issued?

The WITNESS. Do you mean the first or last time?

Mr. SPOONER. No; since.

A. In the first place the judge told us to wait until he had a little more leisure time.

Mr. EVARTS. What judge?

The WITNESS. The district judge, J. B. McFarland. And in the next place I had gone down to jail with R. P. Hackworth, and they had sworn to their application, and Jailor Estis was up there at the time, and Mr. Breedlove had taken the applications to Judge McFarland that day, and that night they were hung.

By Mr. SPOONER:

Q. Was it generally known in Brenham that Mr. Breedlove had started with the application for a writ of habeas corpus?—A. I believe so. I made it known myself; I did not conceal it at all.

Q. And that night, before they could be presented to the judge, they were hanged?—A. Yes, sir; they may have been presented and in the hands of the judge, but I do not know.

By Mr. EVARTS:

Q. But before this writ was served on the sheriff they were hanged?—

A. Yes, sir.

By Mr. SPOONER:

Q. Who was it who was hung?—A. Shad Felder, Alfred Jones, and Stewart Jones.

Q. Which of them was an old man?—A. Alf. Jones was between sixty-five and seventy years of age, I think.

Q. Was he a man of family?—A. I do not know. He told me he had a bed-ridden wife.

Q. Was he a reputable man?—A. The colored people all said that he was a church-member and a good man. I did not know him until I investigated this case.

Q. Had he committed any offense that you know of against the law?—

A. I never heard of any; no, sir.

Q. Had he anything to do with the shooting of Bolton?—A. I never heard him charged with it; he was not there.

Q. Was he present at the shooting?—A. He told me not.

Q. Did he tell you where he was at the time of the shooting?—A. Yes, sir.

Q. Where?—A. He said he was at home; that it was between 11 and 12 o'clock when he heard the shooting. He was a short distance, about 100 or 150 yards, from the place of shooting.

By Mr. EVARTS:

Q. That is, his house was that distance from the place of shooting?—A. Yes, sir; where he lived, on the Flewellen plantation, was about 100 or 150 yards from the counting place. He said his wife was sick and he had to sit up with her, and he was lying down on the bed with his clothes on and his shoes off, and he heard a shot and went out on his gallery and staid there a few minutes and heard nothing more—on his little porch to his cabin I presume, I never have seen it. He said after listening a little while he went back into his house and laid down on the bed, but did not go to sleep. Within fifteen or twenty minutes his dogs began to bark loudly, and he went out on the porch, and found Dick Robinson, the presiding judge of the election. He got up and called the dogs off, and Mr. Robinson jumped up and ran into his house bare-headed and sat down in a chair. Mr. Robinson said, "Uncle Alf, there has been a man shot down in there and I want you to go to Chapel Hill and telephone the sheriff about it." He told him his wife was sick and he could not go. Judge Robinson asked him if he could get anybody else to go. He said that perhaps his son, Oliver Jones, would go. He went off, Uncle Alf said Robinson did, and in about two hours he came back to Uncle Alf's place and asked him if he would go down to the polling place; that there was a dead man down there and he did not like to go down alone. Uncle Alf said that he would do so. He went down there with Judge Robinson, and they found both the front and the rear doors of the house open, with a lamp sitting on the table, and a bright light in the room. They went in on the back gallery and found Bolton lying across the door.

By Mr. SPOONER:

Q. What do you say about a gallery?—A. The Flewellen dwelling place had a gallery. That is where the counting place was. There was a little porch in front covering the one door that entered the room. The front door and the back door were both wide open. They went in and

found Bolton lying across the door with his feet out near the hinges of the door, and his head in the other direction, with his hat off. They stepped across Bolton's body and they went through, Judge Robinson in advance——

Mr. EUSTIS. Whose recital is this?

Mr. SPOONER. It is a recital of Alf Jones, the man who was hanged, as made to the witness.

The WITNESS. Yes; he made that statement to me.

Mr. SPOONER. As his counsel?

The WITNESS. Yes, sir. As they went out of the gallery they heard a number of men at the front gate, which is about thirty steps distant. They did not know who it was, and they all went back into the room, and Judge Robinson stopped at the table. Robinson seemed to be scared, and did not know who it was coming in at the time. Uncle Alf said that he, instead of passing and going out back, just backed out over the dead man. He said he did not know who they were, and he wanted to face in that direction to see who they were. He stepped back out on the gallery and leaned up against the jamb of the door, and stooped down and looked at the man. He said that he had a handkerchief or cloth of some description, he could not tell which, it was very bloody, tied across his nose; that he was lying upon his right side and back partly, with his left leg drawn up a little and the right one straightened out, and with a pistol at one of his feet; he could not remember which foot. He had a slicker on, one of those yellow oil-cloth rain-coats——

Mr. EUSTIS. I would suggest that inasmuch as we have eye witnesses to this whole transaction, there is hardly any necessity for this minute description.

Mr. SPOONER. If it is not to be denied that this man was in disguise, perhaps not.

Mr. EUSTIS. When you have already had direct testimony about the whole transaction.

Mr. EVARTS. This testimony not only shows these facts, but it shows that this man was not at the polls and had nothing to do with the shooting.

Mr. EUSTIS. I understand that, if the witness confines himself to that portion of it.

The WITNESS. He told me he had not been at the polls after four o'clock until that time.

Mr. EVARTS. We are not going into the killing, but this way he found Bolton lying is important.

Mr. EUSTIS. This witness did not find him.

Mr. EVARTS. But this colored man told this witness that he found, at the request of the presiding judge, this dead body, and he described to the witness, who was his counsel, how he found that dead body, in what condition he found it, and that we wish to prove.

By Mr. SPOONER:

Q. You may proceed with your statement.—A. He stooped down and looked at him. He had this handkerchief over his face, which was bloody, and he could not tell whether it was a handkerchief or a cloth. I asked him if his slicker was buttoned up, and he said he could not tell whether it was buttoned or unbuttoned, he was so excited. His hat was off and he was lying with his face partly turned up, and he could see that his right eye had been shot out. He said just about that time the men from the gate came in, Tom Evans in advance. Evans took the lamp off the

table and went and sat it down by the man's head and said, "Boys, this is Dewees Bolton." Uncle Alf said he had not known who it was before; that he could not tell who it was. He then went home, he said, and the next day he was arrested in the field where he was at work.

Q. Did he testify at the coroner's inquest?—A. I understand so. The papers containing the proceedings are here.

Judge KIRK. Yes; he testified there.

The WITNESS. Uncle Alf said that at the jury of inquest, Mr. Vernon, who held it, told him that there was nothing against him, and he could go, and Steve Jackson also, and that somebody in the crowd said, "No, put them with the rest of them."

Q. Is that all you care to say about Alfred Jones?—A. Yes, sir; I believe I have stated all the material points.

Q. What about the other parties?—A. Well, Shad Felder told me——

Q. He was the man who owned property there?—A. Yes, sir; he owned a farm. He was hung also. He said that he had been there all day at the polls, and at night they were counting the ballots and he was sitting on a bench looking on at the count, with Handy Hayes and Felix Kinlaw. He said about 10 or 11 o'clock Judge Kirk came into the room and spoke to them—to the white officers, I believe—and asked them how things were going there, and they made some reply; I forget what he said it was. Then they asked Judge Kirk, "Where are you from, judge; are you from Brenham?" and he said, "No, I am not; I am from Graball." They asked him how things were going at Graball, and he said everything was going straight. He then went to Mr. Alfred Rodgers, who was lying on a bed in the corner——

Q. Is he a white man?—A. Yes, sir.

Q. And a Democrat?—A. I cannot tell you that. He lived on the Flewellen place. I do not know him, and never saw him.

Q. He was not an officer of the election?—A. No, sir; he was lying on the bed, and Judge Kirk talked to him a little while in a low tone of voice. Then they came back to the table, and he took him out in the yard and talked to him a while.

Q. He took who out?—A. Judge Kirk took Dick Robinson, the presiding judge, out. Robinson then came back, and in about half an hour afterwards he said somebody knocked on the back door. The back door was shut and the front door was open. He said that when the man knocked on the back door, Polk Hill, who was sitting on the end of the bench nearest to the front door, got up and went out on the porch. Somebody had said, "Come in," to the first knock, and there was no reply to it. At the second knock somebody told them to come in, and the door was pushed open with considerable force, and standing in the doorway were three men with these yellow slickers or rain-coats on, and behind them on the gallery were two more men, the three in front presenting pistols, and one behind presenting a pistol over their heads, and they said something. I do not think he told me what it was. Shad said he was badly scared, and rolled off the bench and crawled under the bed with Handy Hayes and Felix Kinlaw; they crawled under the bed. I asked him how many shots he heard fired, and he said he was so badly scared that he did not remember any shots. The other one, Felix Kinlaw, said, I think, that he heard one shot fired, and they all ran out of the room—no, the others went out of the back door, and after it was over these two were under the bed. Rodgers got up in the bed, and said to the men in front, "Don't shoot in here, boys." After they went out they came from under the bed and went out also. Rodgers, they said, had been a little under the influence of liquor.

Q. He denied any participation in the affair?—A. Yes, sir; they both said they had nothing in the world to do with it.

Q. What about Stewart Jones?—A. He told me that he came down there to bring his brother, Tom Jones, his supper.

Q. Tom was one of the election officers?—A. Yes, sir. He said he came down there to bring his brother his supper and his overcoat. It was a pleasant, mild night, Stewart said, and he was lying out in the front yard asleep with John Glass when the shot was fired, and that waked him up and he ran off.

By Mr. EVARTS:

Q. Those were the three men who were hanged?—A. Yes, sir.

By Mr. SPOONER:

Q. There has been some testimony given here about this bond and your advising these men not to give bonds, while Judge Kirk was advising them to give bonds. What is there about that which you can explain?—A. When I first made the application, no one knew of my purpose. I went to Houston at night and came back the next day. But when they brought them back I made a fresh application. Mr. J. F. Estis, the jailer, went down with me to the jail. Mr. Breedlove and I had concluded that there was nothing against these negroes and that we could discharge them entirely, rather than have them give bonds and be held for trial at the district court. Mr. Estis, at the gate, said, "Why don't you get them out on bonds?" I said that we had concluded they were guilty of nothing, and we could get them free entirely. He said they could make a bond easily if they wanted to, and when we went up stairs Mr. Estis followed us up there and made the same proposal, and when I began to talk to them he stood by. I said I wanted to talk to them privately. He said, "My orders are to be by when anybody consults with them." I said that the secrecy between an attorney and his client was broken up and I did not propose to talk to them in his presence. I then told them not to talk to anybody until I came back, and I went up town rather warm over it, that is the truth, from the denial of the right I had. I was very angry over it, never having had such a thing occur before. I told Mr. Breedlove about it, and he went to Mr. Dever, the sheriff, and said he had induced Mr. Dever to let me go down and see them in private, which I did, and they told me that Judge Kirk had spoken to them before they went to Houston, and tried to get them to get bonds, but for some reason or other they did not do it. I think he advised them first to make out bonds, and when they agreed to, that they refused for some reason to give it to them.

Q. Is there any general sentiment in that community as to the cause or purpose for which those negroes were hanged?—A. Yes, sir; the general opinion was that they were hanged to prevent their evidence from being brought forward. I have heard plenty of men of both parties say that.

Q. Were you threatened in any way in connection with this employment?—A. Not until after I was counsel of the negroes that were hanged. I got a letter the next morning after they were hanged. I will say, in advance, that when Polk Hill came up from Flewellen that night he passed through Brenham and, I understand, staid at his mother's. A day or two afterwards Mr. Hackworth and I were accused of having harbored Polk Hill. I was out around the polling place the whole night and until twelve o'clock the next day looking on. But this is the letter I got the next day. It was not dated, as well as I remem-

ber, but it was postmarked. I will read it if you wish me to, or you can do so.

Q. Do you know who wrote this letter?—A. Yes, sir; I have good reason to believe that Frank Harven wrote it.

Q. Who is he?—A. A young attorney there.

Q. Is he a Democrat?—A. Yes, sir, and a particular friend of Judge Kirk's and others active in the canvass.

Mr. SPOONER. I will read this letter:

F. D. JODON, Esq., *Brenham, Tex.*:

After careful investigation we find that you have used every means in your power to justify the uncalled-for outrage at Flewellen's store by continued false reports for no other purpose than to influence public opinion in favor of murderers. You have falsely advised and harbored and protected murderers hiding from justice, and in every possible way done all in your power against the interests of the taxpayers of this county. We therefore find it actually necessary for peace and good order, and to avoid further trouble between the races, to request that you leave the county in ten days.

COMMITTEE.

The WITNESS. I received that letter by mail. My little boy brought it to me on the street.

Mr. SPOONER. It is postmarked "Brenham, Dec. 3, 11 a. m., 1886, Tex.," and is addressed to "F. D. Jodon, Brenham, Texas."

By Mr. SPOONER:

Q. What do you know of any committee which had been organized or constituted charged with the duty, or assuming the duty, of ordering men from that county?—A. I do not know about that, except that it was a mob committee. I do not know their names or anything of that kind. It was something intangible which a man could not reach, but it was a positive thing for sure.

Q. Have you ever seen the letter of warning said to have been sent to Judge Kirk?—A. I did see it.

Q. You have read it?—A. Yes, sir; I have read it, and I can tell you the circumstances under which I read it.

Q. Please do so.—A. Well, a gentleman named Foster, a brother-in-law of the sheriff, Mr. Dever, at the head of the stairs of Mr. Breedlove's office, told me that John Rankin, the editor of the Brenham Banner, was looking for me. He seemed to be considerably excited. I hunted up Mr. Rankin, and I found him upon the street, and he got to talking to me about the letter Judge Kirk had sent him, and with an oath he said that that thing had to be stopped, or the county would run with blood. I asked him, "Rankin, who do you think wrote that letter?" and he said that "Carl Schutze wrote it, and you assisted him in doing it; you are as much to blame for it as anybody," and with an oath he told me that I had to stop it. I told him I had never committed a breach of the peace since I had been in the county and there had never been a charge against me, and on this thing I had counseled everybody to keep quiet, because I felt it was a serious time. I told him that Mr. Schutze was so frightened over the situation that he could not have gotten him or any other Republican to write it for any sum of money. I then went over to the foot of the steps leading to Mr. Breedlove's office and Judge Kirk came along and I told him I understood that he had received a letter of warning threatening him and that I would like to see it. He handed it to me, and I read it carefully. In the mean time Buck Searcy came up, and Mr. Lamboy, who was an active partisan, a Democratic partisan, he stood off some distance from

me, in what I considered a threatening attitude, with his hand in his pocket, and I concluded they were trying to get me into a difficulty, and I believe so still. I read that, and I asked Judge Kirk, "Judge, who do you think wrote this; do you think Mr. Schutze wrote it?" He said, "I do not know." I said, "There are plenty specimens of Mr. Schutze's handwriting in the court-house and you ought to know, but I know it is not his handwriting." I asked him if he knew who wrote it, and he said no, he did not, but he said with an oath, "If there is a Democrat killed in this county," he said, "this county will stink with corpses." I said, "I don't think you have anything to fear from any living man; I know you have not from the Republicans, because they are in no condition to make threats or carry them into execution." Mr. Searcy spoke up and said, "Yes, if this thing is carried out the county will run in blood." I immediately went up stairs and told Mr. Will Ewing that I had seen the letter.

Q. Who was Mr. Ewing?—A. He is a Democratic attorney there. He stepped to a drawer, and pulled out the jury of inquest papers, taken at the time of the inquest over these colored men, or it was in progress—the jury of inquest over the colored men. He pulled it out and handed it to me, and opened it, and said, "Look at that handwriting," and he said, "Does that look anything like it?" and he laughed. I told him it was a *fac simile* of the writing, as well as I could remember it or could carry it in memory from the foot to the top the stairs. I asked him whose handwriting it was, and he said he did not know. I asked Mr. Hackworth who held the jury inquest about it, and he told me it was written by Mr. Rodgers, the Democratic county attorney, and I heard Mr. Will Ewing and Mr. Offa Eddins say that they believed Mr. Ben S. Rodgers wrote it, because they were acquainted with his handwriting, and passed it off as a joke.

Q. They thought it was written to the judge for a joke?—A. Yes, sir; and it was considered a joke on the streets for some time. An impression got abroad that it was done to counteract these other letters and, perhaps, give a reason for further trouble; that was the impression also.

Q. What do you know of threats being made against Mr. Hackworth, Mr. Schutze, Mr. Potter, and Mr. Moore?—A. I know particularly of them against Mr. Hackworth and Mr. Schutze, not so much against Mr. Moore. I never heard them made against him, but in regard to Mr. Hackworth and Mr. Schutze I heard threats made quite often. In fact, the state of feeling in our community for a long time was simply terrible. It not only extended to Republicans, but to all classes of good, quiet citizens. Our town was for a while under the control of a mob, men who made their headquarters at saloons, and who were armed, and the state of feeling was very bad indeed. In regard to the letter I received, I did not for three days make it known even to my wife. I sent a copy of it to the Galveston News, with a little explanation as to what part I had taken with those negroes, and they refused to publish it unless I paid them forty-two or forty-three dollars, and that I would not do, and they sent it back. But there was Mr. Breedlove and a number of friends, one who was the city marshal and had been for from sixteen to seventeen years; I went to them and I said, "Gentlemen, this is a serious time; shall I leave or not?" Mr. Swain told me, "Mr. Jodon, things have come to such a pass that I cannot give you any advice;" and Mr. Breedlove said the same thing. He said, "I would advise you to leave," and he gave me this letter to a friend of his, Col. G. W. Jones, in Bastrop, describing the situation.

Q. Where does Mr. Jones live?—A. In Bastrop, Tex. He was a Representative here a number of years ago.

Q. How far is Bastrop from Brenham?—A. I suppose it is about 60 miles.

Mr. EVARTS. This letter is as follows:

BRENHAM, TEX., *December 8, 1886.*

Col. G. W. JONES:

DEAR SIR: There is a bad state of feeling here, and F. D. Jodon is under the ban for some cause. He has been warned to leave here, and under all the circumstances I have advised him to go.

Mr. Jodon is honest and trustworthy and possessed of good business qualifications. Withal he is a very fair lawyer. He goes to Bastrop to look for a location. I will be under additional obligation to you if you will assist Mr. Jodon in getting a location.

Your friend, &c.,

C. R. BREEDLOVE.

By Mr. EVARTS:

Q. You say Mr. Jones was formerly a member here?—A. Yes, sir; he was a member of Congress here several years ago.

Q. After this advice and your getting this letter from Mr. Breedlove, what did you then determine to do?—A. On the streets during that time it was well known I had received the letter—in fact before I made it known myself it was known on the streets.

Q. Before you had said a word in regard to it?—A. Yes, sir.

Q. The fact that the letter had been sent you was bruited about?—A. Yes, sir. A friend came and told my wife about it. My wife asked me if I had received it, and I told her, "Jenny, what would they send me a letter for?" but I had to tell her; I felt it was my duty to do so. During that time, the ten days, even my best friends, those who had been lifelong friends, or at least friends of mine since I had been living there, avoided me on the streets and would not stop and talk to me. In the mean time, on Friday, after I received the notice, they had this indignation meeting at Burton. I did not like to leave home, and did not know where to go. I thought from the impression it made on Brenham that there was a reaction setting in to some extent; I was not positive, but I hoped so. I saw that the good people of our county were making it known, and I could see, at least thought I felt, that I would not be driven out from my home. That is the truth. But I got a shot-gun and some ammunition and I proposed to stay there. I did stay there against the advice of my friends, dozens of them. I felt this way: That if any mob did attack me at night I could go up in the second story of my house, my boy and myself, and I could at least make an alarm such as would call the neighbors to me.

Q. How old was your son?—A. Seventeen years of age.

Q. Is he the oldest member of your family?—A. Yes, sir.

Q. How many children had you?—A. Seven.

Q. All living at home?—A. Yes, sir; six boys and one girl.

Q. Did any of your friends or neighbors stay with you?—A. No, sir. There were one or two who would have done so, but I told them I did not want to involve them in my quarrels or troubles. I told them I thought I could defend myself; that is what I thought about it.

Q. How long was it before you felt at ease so as to be able to dismiss these fears?—A. Never while I remained in Brenham; I never did until I came up here.

Q. You still live in Brenham?—A. Yes, sir; that is my home. Of course, the excitement is dying out to some extent.

Q. Had you anything to do with this matter from the time of the fall election until after the execution of these colored men; had you anything to do with the matter, politically or otherwise, except in your relation of lawyer and counsel to these imprisoned men?—A. No, sir; I took no active part whatever. I never went to a political meeting or anything of the kind during the canvass. I voted for the most of the candidates on the Republican ticket in the county, although I voted for one gentleman, Mr. Herbst, on the Democratic ticket. Some of the names on the Republican county ticket I scratched; but that was all I had to do. I counseled the freedmen, who were very badly scared, not even to congregate on the streets in groups, but to stay at their homes.

Q. Were you threatened or warned in any way until after it was known that you were going to defend these imprisoned men and try to get them out of jail on habeas corpus?—A. No, sir; and I never had such a surprise in my life as when I received that letter.

Q. So far as you know, was there any ground of accusation of offense against you except your effort as a lawyer to defend these men according to law?—A. That is all, sir. I will tell you one thing in regard to this man Polk Hill. He was not arrested until some days after the killing. One of his relatives came into Mr. Schutze's office. Mr. Hackworth was present, and Mr. Joe Hoffmann, I think, and some one else. He said to Mr. Hackworth, "Polk Hill is out 7 miles west of Brenham and needs clothing and food." I said, "Gentlemen, stop right here, now; I want to get the statute and read it to you"; and I went and got the statute and read it to them as to who could give aid to him and who could not; that his relatives, either by blood or marriage, or a house servant, could aid him; but I said, "Any of you gentlemen, if he has aided this murderer, will be accessory to that murder if you do it"; and consequently they did not do anything for him, and he went off.

Q. Polk Hill is still in jail, is he not?—A. Yes, sir. For fear he would be hung his place of imprisonment was changed to the adjoining county, and he is now in prison at Cameron, Milan County, and has never had an investigation.

Q. Have you acted as counsel for him?—A. They had spoken to me about it, but had not made me a fee. But when things got so hot I advised them to let him remain there, because if he was brought back he would be hanged.

Q. You have done nothing further about Polk Hill than what you have stated?—A. No, sir.

Q. Has any indictment or examination in regard to Polk Hill been had there at all?—A. Not unless it has been done by the grand jury since I came here—no, that cannot be, for the grand jury is not in session until March.

Q. How far is this jail that he is now in from Brenham?—A. I should judge it was sixty or seventy miles.

Q. It is still in that county?—A. Yes, sir.

Q. Then there is no excitement?—A. I understand there is not. I spoke to the deputy sheriff and he said he was in no danger; that they would protect him like any other prisoner.

Q. When was he taken from Brenham?—A. He was captured about Friday or Saturday following the election, and was immediately put on the train and taken up there for safe keeping by the deputy sheriff.

Q. He was never put into the Brenham jail?—A. I think he was, but for a very few hours only, if at all.

Q. What was the evidence or indication of the danger of hanging him?—A. Oh, it was particularly spoken of by I do not know how

many that they would hang him when they reached him; in fact, the deputy sheriff, Mr. Langhammer—I heard that Langhammer said that he would not go to Cameron after him because he would be hung after he was brought back, and he did not want to have that occur.

By Mr. SPOONER:

Q. You were not present at this indignation meeting held at Eldredge hall?—A. No, sir; I was not, but I saw the company of armed men who came into town.

Q. The men who came to attend that meeting?—A. Yes, sir.

Q. Did you know any of them?—A. Yes, sir; I knew a great many of them.

Q. Did they come there in a body?—A. Yes, sir; just as a cavalry troop would.

Q. How many were there?—A. I suppose about twenty-five or thirty.

Q. Were they mounted?—A. Yes, sir.

Q. And armed?—A. Yes, sir; they seemed to be armed with shot-guns.

Q. They were white men?—A. Yes, sir; all of them.

Q. Did you see any Republicans among them?—A. No, sir; I do not think there were any Republicans among them.

Q. There was talk there, was there not, of an anticipated negro insurrection?—A. Yes, sir.

Q. Do you know whether or not there was any foundation for that?—A. None in the world. I have heard good Democrats and other parties talking about it and ridiculing the idea.

Q. But threats were being made there against various leading Republicans?—A. Oh, yes, sir; they were so common that I did not even take upon my memory the names of those who made them.

Q. Do you remember hearing any threats from the Republicans?—A. No, sir; none whatever.

Q. I want to ask you this question: Do you know of any effort having been made to discover and arrest the men who hung these three colored men?—A. No, sir; none at all.

Q. Do you know of any reward having been offered by the governor or the county officers for their apprehension?—A. I have never heard anything of it.

Q. And no arrests have ever been made?—A. No, sir.

Q. Do you know of any efforts being made or steps having been taken to apprehend the men who raided the ballot-boxes at Flewellen and the other points in that justice's precinct?—A. No, sir; none to my knowledge.

Q. Do you know of any rewards having been offered for that purpose?—A. I heard of none.

Q. And no arrests have been made?—A. None.

Q. Did you ever hear a Democrat in Brenham express any indignation over the outrages upon the ballot-box?—A. Yes, sir; I have heard a number.

Q. A good many?—A. Yes, sir; I have; and I have heard a good many express themselves to the contrary, and say that it was a white man's country, and they paid the taxes and ought to hold the offices.

Q. How is your grand jury summoned there; what power convokes it?—A. It is done through the district court. The jurors are drawn regularly—a certain number of them—out of the panel.

Q. When does your court meet?—A. The first Monday in March.

Q. There has been no meeting of the court since these outrages took place?—A. None at all.

Q. Is there, under your law, any power to summon a special session, so to speak, of the grand jury—to call them together?—A. No, sir; that devolves on the officers of the county court and magistrates.

Q. You know of no efforts to arrest these men?—A. If there have been any I never have heard of it, and I was in a position to know. In fact I should have been very glad if a thing of that kind had been done, for it would have relieved me considerably.

Q. Could not a court have been convened there for that purpose?—A. The district court? No, sir; there is no provision of law that I know of under which it could be done.

Q. Who takes care of those things?—A. The magistrates. An officer could make a complaint before a magistrate.

Q. Who were the magistrates in Brenham?—A. Mr. Hackworth was one, and Judge Kirk, and Judge McFarland. Complaint could have been made, but they are held subject to examination before the district court if they are guilty of a capital crime or a felony.

Q. It is one of the duties of the district attorney and county attorney and sheriff to ferret out such offenders?—A. Yes, sir; it is their duty to do so.

Q. And no efforts were made in that direction that you know of?—A. No, sir.

Q. About these diamond-shaped tickets. How long had they been in use in that county prior to this election?—A. I never saw them before.

Q. How long had they been in use in the State?—A. They had been used in Brazoria County, in the southern part of the State.

Q. Prior to this election your court had held them valid?—A. Yes, sir.

Q. Had this decision of the court been published generally throughout the State?—A. Yes, sir; it is published in 63d Texas Reports, page 393.

Q. Had that volume of reports been published before this election?—A. Yes, sir.

Q. How long before?—A. Some months before, and not only published there, but published in all our law journals. As fast as they are given they are published in pamphlet form in the law journals, and then the State reporter puts them into the State volumes of reports.

Q. So that it had come to the knowledge of the profession generally?—A. Yes, sir.

Q. Is there any other material matter in connection with this inquiry which you think of as to which you have not been interrogated or testified?—A. No, sir; I do not know of anything in particular. As far as regards Mr. Schutze, I know that he was in great fear for a long time. The evening that he left and went to Galveston I was up in his composing room, and Mr. L. R. Bryan, the Democratic attorney of whom I spoke, was in the room looking over his briefs and other things.

Q. He was connected with that Democratic county organization?—A. Yes, sir.

Q. What was he; an officer of the county executive committee?—A. I cannot say that, but I know he was a very active partisan.

Q. Was he an officer of this alleged indignation meeting which was held at Eldridge Hall?—A. He was secretary of the first meeting, but in regard to the second one I cannot say; I do not remember. I know that Mr. Schutze told me after Mr. Bryan left, which was in a few minutes, that they had come up there for the purpose of buying him out. That evening, on the corner by the drug store, I saw Mr. Schutze, and he said he was preparing to leave, had boxed up, and was going down

to the train. I went down to Mr. Hackworth's place to see his wife. I had not gone with Mr. Hackworth to the train; in fact he left before I thought he was going to leave, and I did not have a chance to talk to him much before he left. But while I was there at his house on this occasion I heard a shot fired in the direction of the Santa Fé railroad depot, and the day following that I saw a dispatch in the Galveston News from Rosenberg, Tex., stating that Lawyer Schutze was shot at upon the train just after they left Brenham; that there had been a shot fired through the car windows at the time. I saw that statement either in the Galveston News or the Houston Post. I heard the shot at the time, and I said to Mrs. Hackworth that I feared they had got hold of Schutze and had killed him; that is the remark I made.

By Mr. EVARTS:

Q. Is there anything in these proceedings of the inquest that you desire to look at before you testify in regard to it?—A. I have never seen the papers, but I do not think there is anything in them that would aid me at all.

By Mr. PUGH:

Q. Did you ever get any information that enabled you to suppose or believe or suspect who it was who committed these outrages?

The WITNESS. The outrages at the ballot-boxes?

Mr. PUGH. Yes.

A. No, sir; I did not, except what I learned from the freedmen for whom I acted as counsel, and from the general talk in the county.

Q. If you have any information which enables you to put any officer on the track of those people, I desire you to state it.—A. I do not know it; no, sir.

Q. Did anybody in Washington County or elsewhere ever communicate to you any fact or opinion that enabled you or them to identify who it was that committed these outrages on the ballot-boxes?—A. Either Mr. Stanard Booker or Mr. J. H. Hutchison gave me the names of some men who were said to be present with Bolton; I forget which one it was who gave me the names, but it was the names of the men who were said to be present with Bolton when the raid was made on the Flewellen box.

Q. They were with Bolton at the time he was killed?—A. Yes, sir.

Q. He gave you the names. Have you any objection to state what names they gave you?—A. I do not know that it would serve any purpose to do so. I have no objection in the world to doing it. I have no friendship for such men, and do not care who they are.

Q. I understand that, but I want you to give any information on the subject you may possess. You have been asked here if any officer ever acted or if any complaint was ever made or if any warrant was ever issued in connection with this matter. Now, you know, warrants cannot issue unless they are made out against some person?—A. Yes, sir.

Q. There can be no complaint unless it is against some criminal, some man who has committed an outrage or has been accused of it. Now I want to know if you have ever received from any source any information that would have put you or anybody on the track of those criminals?—A. All I have is simply what I have told you.

Q. You do not know of any one having given information which would enable any person to identify them or find out who they are?—

A. No, sir. I did not push an investigation for the very reason that I was in a serious place myself; that is the truth of it. I had gone as far as I could.

Q. Did you not have the same opportunity and means of finding out who did it as anybody else?—A. For a while I would not have gone into that neighborhood for the world.

Q. You could not have inquired from anybody else as to who it was who committed those outrages?—A. It was not safe to inquire.

Q. It was not safe to inquire even of Republicans, was it?—A. The Republicans had some idea of who it was, I suppose, but they were mostly negroes, and they were so scared that it was a long time before they would come up and make any statement at all.

Q. You say you heard a good many Democrats condemn this outrage?—A. I will not say a good many, but I did hear a number condemning it.

Q. Did you to those Democrats give any information or suggest to them that you should co-operate together to find who it was who committed those outrages?—A. I did not do it, for the very reason that they would not have done it, and I did not dare to do it.

Q. You took it for granted that they would not? They did not tell you they would not if they had the information from which to act? Did anybody ever have any information upon which to make a complaint to any officer?—A. No others that I know of. It was not talked about. It was not a subject that was pleasant nor one that was considered safe to talk about.

Q. What grounds for apprehension of danger did Mr. Hackworth or Mr. Schutze have that these others did not have to apprehend danger if they remained in that county?—A. Oh, there were continued and open threats against them.

Q. Were there threats against anybody else?—A. None, I believe, except those you have heard about who received letters, and these prominent Republican leaders.

Q. Those persons who received letters had the same reason that Mr. Hackworth and Mr. Schutze had to apprehend danger?—A. I should judge so, from the communications they got.

Q. Now, the only persons who acted on these notices were Mr. Hackworth, Mr. Schutze, and Mr. Moore?—A. Yes, sir.

Q. Those three persons were the only ones who acted on this notice to leave?—A. Riggs Hackworth was gone a while.

Q. But he came back?—A. Yes, sir. Mr. Potter was gone about eight days.

Q. And he came back?—A. Yes, sir.

Q. These parties who received notices to leave have been there ever since?—A. Yes, sir.

Q. They have not been disturbed?—A. No, sir. The sentiment has changed a great deal; there has been a complete reaction.

Q. Suppose Mr. Hackworth and Mr. Schutze had remained like yourself and others?—A. Well, I do not know; the feeling against him was terrible; bitter. I know he came back there once with some law papers to place in my hands that he had taken off in a hurry. He came to my house one night—

By Mr. EVARTS:

Q. Of whom are you speaking?—A. Of Mr. Schutze. My children came and said Mr. Schutze was at the gate, and I told them they must be mistaken; I was surprised at his coming back. I went out and got him to come in and take a cup of coffee with me, and he told me to take those law papers with me, and I took them, and he said he would have an interview afterwards, but he left hurriedly on the 11 o'clock train.

Q. What was the date of this?—A. That was several weeks after he had been driven off on account of his fears. Some of his friends told me that there was a crowd after him. I heard persons threaten him that he could not stay there, and it was reported that he was up there taking evidence for the purpose of laying it before this Senate committee. That was after this memorial had been presented to the Senate here. I laughed at the idea, and told them he was no officer of the court, and it was not likely, as he was one of the memorialists, that he would be deputized to take evidence. But he was gone before I had a chance to see him.

By Mr. PUGH:

Q. Did he not ride all around the streets on horseback?—A. He got Mr. Baker's horse and went to Valley Springs, and then he went to Louis Lehman's, a friend of his, who lived in the country about 3 miles from there. And he went to the train without returning that horse.

Q. This man who expressed that opinion was as much alarmed about it as the man who told Mr. Potter that if he staid there he would not give a shuck for his life?

The WITNESS. Who do you mean; Paul Fricke?

Mr. PUGH. I do not know who it was.

A. Well, Mr. Fricke has been anxious about it, but he has shown no cowardice at all. He armed himself with a Winchester and several revolvers and staid at home and did not propose to leave. I was at his house and he told me how he was situated. His wife wanted him to leave, and he said to her that he was going to stay there, and that she could take her children and go off to his friends if she wanted to. Mr. Fricke, the Republican candidate for sheriff, said this.

By Mr. SPOONER:

Q. Have you been proscribed at all there? Has your business been affected, and have you been injured, independent of physical injury, as a business man?—A. The Democrats of that county, the leaders, have been very unfriendly to me for a long time, and I say it in all candor that I do not think I could get justice before Judge Kirk as an attorney. I have heard a number of attorneys express themselves in the same way. It is useless, with the feeling there against me, to try to practice law.

By Mr. PUGH:

Q. What attorney has said that to you, that he could not get justice before Judge Kirk?—A. Mr. Offe Eddins, a Democratic attorney.

Q. Any others?—A. I do not know that there is any other attorney that I can mention particularly.

Q. Did he give any reason why he could not get justice before Judge Kirk?—A. Mr. Eddins's brother-in-law, C. R. Breedlove, ran against Judge Kirk in the election.

Q. This gentleman who said that he could not get justice was a brother-in-law of the man who ran against Judge Kirk as a candidate?—A. Yes, sir. Well, he cited a number of Judge Kirk's rulings as evidence of it.

Q. I suppose you have never heard lawyers say that they could not get justice for their client before the Supreme Court of the United States even; that the judges would decide against them there? Did you ever hear any lawyers say that about any other judge when the judge had decided against them?—A. I have heard some of our attorneys speak that way when decisions went against them in the Supreme Court, but

they did not express any want of confidence in the general honesty of the court.

Q. Did you ever appeal from any of Judge Kirk's decisions which you thought were wrong?—A. I have practiced but very little before Judge Kirk during the last two years, and I do not remember whether I have or not.

Q. There was a right of appeal from any decision in banc, was there not?—A. That depends on the sum involved. If it was over \$100 you could appeal from his decision in civil cases.

By Mr. EVARTS:

Q. I did not understand whether you said that these other lawyers had expressed the opinion that you could not get justice before Judge Kirk or that they could not?—A. No, sir; that is my opinion about it. We were talking together over the matter, and I think Mr. Eddins thought we were mutually in the same boat in regard to that matter.

(The witness filed with the subcommittee copies of the applications of William Davis, Steve Jackson, Felix Kinlaw, Shad Felder, Handy Hayes, Ephraim Jones, Alfred Jones, and John Glass; the original applications of these men being identical, except as to the names of the parties, with the one already put in evidence.)

The subcommittee then adjourned until Monday, February 21, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C.,
Monday, February 21, 1887.

The subcommittee met at 10.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF R. P. HACKWORTH (recalled).

R. P. HACKWORTH was recalled and further examined.

By Mr. SPOONER:

Question. I was not present at your examination before the committee, but I understand that you referred to some notice which you had received, warning you to leave?—Answer. Yes, sir.

Q. Is this the notice you spoke of [handing a note to the witness]?—A. Yes, sir.

Q. It was sent to you through the mail?—A. Yes, sir; in this envelope.

Q. Do you know who wrote it?—A. No, sir; I do not.

Mr. SPOONER. I will read it:

BRENNHAM, December 21.

R. P. HACKWORTH:

SIR: You have had plenty of time to get away from this county. We know that you have been stealing from this county for last two years and are as mean and dangerous as any of your crowd. We are determined to get rid of you and if you do not go and that soon, we will proceed to handle as we think best.

SECRETARY
CITIZENS.

The WITNESS. This is the second notice I received.

Q. Where is the first one that you received?—A. I tore it up as soon as I got it.

Q. You have already testified as to that and its contents, have you not?—A. No, sir; I do not think I testified as to the contents of the first one.

Q. What was the purport of that notice?—A. It was a notification for me to leave in ten days or I would be dealt with as they thought best, I believe is the way it read.

Q. How was that signed, if at all?—A. I think it was signed about the same as this one; I think so.

Q. Did that notice also come to you through the mail?—A. Yes, sir; it did.

Q. Was it in the same handwriting, or in an apparently different handwriting from this?—A. It was written with a pencil, but it was about as good handwriting as this is.

Q. It was apparently the same, or a different handwriting?—A. I think it was the same handwriting.

Q. Was this notice received by you after you held the inquest, or before that time?—A. This one was received afterwards.

Q. You presided at the holding of the inquest over the bodies of these three colored men who were hanged?—A. I did.

Q. Are these the original minutes of the testimony taken on that inquest?—A. Yes, sir; they are.

Q. By whom was this testimony taken; that is, in whose handwriting is the body of it?—A. It is in the handwriting of Mr. Ben. S. Rodgers, the county attorney.

Q. Is this testimony signed by the witnesses?—A. Yes, sir; they were sworn to it by me.

Q. What is this indorsement on the back?—A. That is the original verdict.

Q. And below that is your certificate as justice of the peace?—A. Yes, sir.

The paper referred to is as follows:

THE STATE OF TEXAS, *Washington County*:

Testimony taken before the jury of inquest held upon the bodies of Shed Felder, Alfred Jones, and Ephraim Jones, on the 2d day of December, A. D. 1886.

JOHN RANKIN, being sworn, says:

I reside in Brenham, on Sandy street. I was at home last night. I never saw any men in town. I was at Lehman's about 9 o'clock, and then went by Kiber's, got a cigar, and went home about that time. About a quarter to 2 o'clock, last night, I heard some yelling and shooting. I did not see any one. A shot was fired near my house. I heard horses running, going west, from town. There was a crowd of them. I thought they were boys on a spree. I did not recognize any one of the crowd. I think the neighborhood about me was aroused up by the yelling and shooting.

JOHN G. RANKIN.

Sworn to and subscribed before me this the 2d day of December, 1886.

R. P. HACKWORTH,
J. P. W. Co.

J. F. ESTES, being sworn, says:

I am the jailer; about 1 o'clock last night I was woke up by some one hailing me. I asked, "Who is that?" The reply was, "Schley, from Chappell Hill, with a prisoner." (Schley has been in the habit of bringing prisoners up on the night train). I got up, lit the lamp, and set it on the chest and laid the keys beside the lamp; got my keys and came out in the hall and unlocked the front door and opened it and stepped back a step or two to let them come in; immediately three masked men stepped in the door and two of them with Winchesters and one with a six shooter; presented their guns at me and one of them said, "We want the keys. I said nothing; one of them discovered the keys and then two of them threw my daughter's rain-coat over my head and pushed me behind the door and pushed the door back against the wall and two stood guard over me. I heard the door unlocked and then, I think, ten or twelve went up in the jail where the cages were, and it seemed to me to be some time before they came down; I heard them when they came down; I heard Alfred Jones say, "Gentlemen, don't hang me; I will tell all I know." This was all I heard spoken at the time.

They went on out, quietly, saying nothing. When I came from behind the door they were gone. Leonard Gee, William Buster, and John Lockett, who were guarding the jail, they came to me at the jail a few minutes afterward and I asked them where they were. They told me that the mob had arrested them at the foot of the stairway at the city hall, and that they were told that they were all right if they staid there. They said there was twelve men who stood there with their guns on them while the other men were in jail. The three men that came in the jail, as well as I remember, one of them was a tall, slender man, and he had on a slicker and handkerchief, tied across his nose, and he had a Winchester. I did not notice his hat that I remember of. I couldn't see the color of his hair or eyes. I don't know whether he had on boots or shoes. This was the man that asked for the keys. I did not recognize him. The other two were medium-size men, and they, too, had on slickers and handkerchiefs, tied over their faces. One of these two had on a white, broad, stiff-brim hat. This one had the pistol, which looked to me to be a 45-caliber six-shooter, which had been nickel-plated, but the nickel had been worn off in spots. I did not notice whether the guns were new or not. The white hat, I don't know whether it was new or not; I think it had been worn some. I don't know what kind of hat the other man had on. Just as soon as they stepped in they shoved me behind the door.

I did not recognize their voices, as they talked some to each other, but in a whisper. This all occurred in Brenham, Washington County, about 1 o'clock at night, on December 2, 1886. The three men who were hung have been in jail since the 4th or 5th day of November, 1886. Part of the time they were in the jail at Houston. The commissioners' court, I understood, ordered them back from Houston, and Langham and C. C. Boyd brought them back on last Thursday night. There was eight of them in all. There were thirteen prisoners in jail at the time and in cells. As soon as I was released I went to the telephone and telephoned Dever. He came into the jail. I have seen the bodies of Alfred Jones, Shed Felder, and Ephraim Jones. They are now dead. I know several persons who reside in Washington precinct, but I did not recognize any one of them as being of the three men who came in the jail.

J. F. ESTES.

Sworn to and subscribed before me this the 2d day of December, 1886.

R. P. HACKWORTH,

J. P. W. Co.

J. M. LOCKETT, being sworn, says:

I was one of the guards at the jail on last night. About 1 o'clock last night I. L. Gee and Mr. Buster were in the city hall, and we heard a good many horses traveling, and Mr. Gee raised the window and sat down in the window. In a moment Mr. Gee says, "There is a man in the jail-yard;" and we hailed him. Then we saw several in the jail-yard. Then we went down the steps when I got down the foot of the steps (Mr. Buster was about midway of the steps and Mr. Gee was near the top of steps). About ten or twelve men were there, and one spoke to me and told me to keep quiet and to halt, &c. In a few seconds I went back up stairs and I stood at the window and saw them go into the cells. They had a lamp with them. I saw six men, I think, up there. I saw one of the prisoners, I think, who looked as if he had his hands tied behind him. I saw them come out of the jail. There looked to be about ten who came out of the jail. Just as they got out of the door they blew the lamp out. I saw one man's ears and I took it to be a white man. I could not see what they did with the prisoners, but I think they must have put them on horseback, for they traveled off rapidly east. When they were traveling off there was some signals given by whistling, and several men on horseback came up from toward the Asbeck Building and some from toward Lusk & Park's stable. All of them went in the same direction. Those that I saw had on slickers and were disguised. One man was small and had on a white, wide, stiff-brim hat, with dark hair I think. I got in two feet of one man who was at the foot of the steps. He had nothing on his face that I could see. I did not recognize him. He had whiskers all over his face, and were of a sandy or yellowish caste and looked as if they had been trimmed. He was a tall man. I am confident I saw this same man in jail with a handkerchief over his face. There was a man sitting on his horse in the street and he threw a shotgun down on me and told me to keep quiet, we were all right if we staid inside.

All of the horses out there looked to be black. I saw one gray at the gate. The man in the street on a horse was a large man, I think, and on a large horse. I did not recognize any man in the crowd. I think the prisoners were tied when they were brought out into the yard. I was raised in precinct No. 1. I know nearly everybody down there. I did not recognize any one of them; if I did I would say so. I think the express wagon had gone to the train and had not returned.

J. M. LOCKETT.

Sworn to and subscribed before me this the 2d day of December, 1886.

R. P. HACKWORTH,

Justice of the Peace, Washington County.

WYATT SMITH, being duly sworn, says:

I live in the precinct No. 1, at Felix Roberts's plantation; have lived there about eleven years. I left home this morning about daylight, coming to Brenham; I got to Brenham about 9 o'clock; I came Brenham and Graball road; I met two men, as I came on to Brenham, about the 5-mile post from Brenham—one is teaching school at Saule Chapel, and the other is a Mr. Fergusson; both were colored men, and they were going east; I never met any one else.

WYATT SMITH.

Sworn to and subscribed before me this the 2d day of December, A. D. 1886.

R. P. HACKWORTH,
Justice of the Peace, Washington County.

ROBERT WILSON, being sworn, says:

I live at Felix Roberts's, in Washington precinct. I left home this morning about daybreak and got to Brenham between 8 and 9 o'clock. I came the Brenham and Graball road. I met five or six men at Kirkendal Creek this morning going toward Graball; these were white men. I did not know either one of them. I asked one of them for a chew of tobacco, and he gave me one; they were riding two gray horses, two bay horses, and one a black; I met them a little after sunrise; some of them had guns; I did not know either one of them; if I ever saw either one of them before I don't know it; all of them had slickers tied on their saddles, behind. I met two colored men soon afterward; they were riding horseback; they didn't have any guns.

I met Robert Hawkins and Adam Lockridge before I met the white men. I did not meet any one else on the road. The white men I met didn't look drowsy or intoxicated; the horses didn't look gaunt. They were not sweating. They were talking, but I did not hear what they were saying. I know these men didn't live in my county, because I know nearly all of the white men who live there. I know Mr. Bolton, Mr. Lott Kenhuel, and numbers of others; they were not any men that I met.

his
ROBERT + WILSON.
mark.

Sworn to and subscribed before me this 2d day of December, 1886.

R. P. HACKWORTH,
Justice of the Peace, Washington County.

WILLIAM BUSTER, being sworn, says:

I was at the city hall last night when the raid was made on the jail. Mr. Gee looked out of the window and said to us: "I see men in the jail-yard." They were hailed. I looked out of the window and I saw the men. I saw some of the men start toward the front gate. I saw one man, rather tall, who spoke to us and said, "Keep quiet," and we would be all right; there were some on horseback who asked who we were, and Mr. Lockett told them. I saw the light in the jail. I could see the outline of the men in jail. I couldn't tell who they were. I had the best view of the men when they came out with the prisoners. I counted six of them, and they were masked with handkerchiefs over their faces. They came out and went east. I do not know how many there were altogether; I saw several in the jail-yard. There was a signal given by a whistle, and several came from different directions. I did not recognize any one of them. They were all horseback when they started off. I didn't distinguish any of their clothing except the one who was on horseback; I think he had on a white hat. They remained there at the jail about one-half hour; the clock struck 1 while they were at the jail. I have no idea who they were. I cannot give a description of the horses. They had the appearance of white men.

W. S. BUSTER.

Sworn to and subscribed before me this the 2d day of December, 1886.

R. P. HACKWORTH,
J. P., W. C.

L. G. GEE, being sworn, says:

I was at the city hall last night when the raid was made on the jail. I raised a window, and I saw a man in the jail-yard; I hailed him, but he made no reply. I then saw others, who presented guns at me, and told me to keep in and keep quiet. I saw ten or twelve men enter the jail, and I saw them open two cells, and get the prisoners, and came out. I saw them as they went out of the yard; they were masked. I do not know which way they went. They whistled, something like partridges, and they got together. I heard several horses, but I don't know how many there were.

I could not recognize either one of them. After they left we went to Mr. Estes, and Mr. Estes and I went up in the jail, and found that the cells were all locked. I don't know what they did with the keys. It all happened about 1 o'clock last night.

L. G. GEE.

Sworn to and subscribed before me this the 2d day of December, 1886.

CALVIN HILL, being sworn, says;

A Dutchman came to my yard and told me. I went to where the men were hung. I then came to town and reported. About 11 o'clock last night I saw a crowd of men pass my house. I do not know who they were. There was some on ahead; there were twelve or fifteen of them. I took them to be white men, but I could not swear that they were. I saw the men hanging about sun up. I didn't hear any one hollering for help. I heard some talking down the road, but I did not pay any attention to it. I was at the gate. When I opened the gate Blount and Brown were in a hack and driving out, but the men I saw were pretty well all passed. Brown and Blount left about 11 o'clock, and about 2 o'clock I heard some talking and arguing down the road as if some persons were quarreling.

his
CALVIN X HILL.
mark.

Sworn to and subscribed before me this the 2d day of December, 1886.

R. P. HACKWORTH,
J. P., W. C.

FELIX KINLAND, being sworn, says:

I was in the cell last night with Shed Felder and Ephraim Jones. Some men came up in the jail and they asked us, "Who is these in here?" We told them our names; they then opened the door. I don't know how they got them out. I was scared very near to death. I do not know who they were. I do not know whether they were masked or not. I didn't hear any talking at all. They opened another cell, but I didn't hear any talking. I didn't know whether they took any one out or not. I could not tell how they were dressed or whether they were white men or not.

his
FELIX X KINLAND.
mark.

Sworn to and subscribed before me this the 2d day of December, 1886.

R. P. HACKWORTH,
J. P., W. C.

We the jury find that A. Jones, E. Jones, and S. Felder came to death by being hanged by parties to us unknown.

F. M. NEWMAN.
L. T. LEIDELMAN.
T. T. SHAPARD.
FRED WIRS.
JOHN H. KIRK
A. C. KOCH.

THE STATE OF TEXAS,
County of Washington:

I hereby certify that the foregoing nineteen and a half (19½) pages contains all of the evidence taken by the jury of inquest held over the bodies of Shed Felder, Alford Jones, and Ephram Jones on the 2d day of December, A. D. 1886, as well as the verdict of the jury of inquest.

R. P. HACKWORTH,
Justice of the Peace of Precinct No. 3, Washington County, Texas.

Mr. SPOONER (to Judge Kirk). Have you the record of the proceedings of inquest held over the body of Bolton?

Judge KIRK. Yes; we have it here.

(The papers called for were produced and handed to Mr. Spooner.)

TESTIMONY OF CARL SCHUTZE.

CARL SCHUTZE, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your full name?—Answer. Carl Schutze.

Q. What is your age?—A. I am forty-one years of age.

Q. Where do you reside?—A. In Brenham, Washington County, Texas. I have resided there since I went to Texas.

Q. Are you a married man?—A. No, sir.

Q. How long have you lived in Texas?—A. Since 1866.

Q. What is your nativity?—A. I was born in Germany.

Q. What is your business?—A. I am a lawyer and have also been a journalist for the last few years.

Q. You publish a paper, do you?—A. Yes, sir.

Q. Where?—A. At Brenham, and afterwards in Galveston.

Q. It is a German paper?—A. Yes, sir; it is a German paper.

Q. What are you politically, a Republican or a Demoerat?—A. I am personally a Republican and always have been.

Q. What was your paper, a Republican paper?—A. The paper was independent in its tone.

Q. By that you mean independent in its political tone?—A. It occupied an independent position on all questions, political, social, and religious. I will say that it may possibly have been tinged somewhat with Republican ideas and sentiments, surely not by the other side; but I aimed to be as impartial in the paper and as independent as I possibly could.

Q. You know what a Republican paper is, as contradistinguished from a Democratic paper?—A. Yes, sir.

Q. Was this a Republican paper or a non-partisan paper?—A. It was a non-partisan paper, or started out to be such.

Q. When did you leave Brenham?—A. I think it was on the 13th of December.

Q. Had you been in the habit of taking any part in politics as a citizen?—A. I had.

Q. On which side, the Republican side?—A. On the Republican side. I stated before that I was a Republican and had always been one.

Q. Is Washington County, Texas, a Republican or a Democratic county?—A. The majority of the people there are Republicans.

Q. What has been the usual Republican majority there?—A. It depended entirely upon the men who were running for office.

Q. My question was as to the usual Republican majority, the average Republican majority on the county ticket?—A. I believe the majority for the Republicans was five or six hundred ordinarily for county officers; I never paid attention to the State ticket.

Q. You do not know how the vote there stood in regard to the State ticket, or for member of Congress?—A. No, sir; I did not pay any attention to that. That was very different. Once Hancock ran against Jones and Jones received a majority of votes. Jones was an independent candidate and therefore no Republican. Once Shepherd ran against Jones.

Q. Did you at any time hold office in the county?—A. I did.

Q. What office did you hold?—A. I was county attorney from 1876 to 1880; I held that office two terms.

Q. You were county attorney four years?—A. Yes, sir; four years and a half.

Q. The Republican county ticket was, as a rule, elected in that county?—A. As a rule it was elected with here and there an exception. The county clerk, Hugh Lewis, was elected a number of terms and Mr. Minkwitz was elected in 1880 against Blount.

Q. He was a German?—A. Yes, sir; he was a German, elected on the Democratic ticket.

Q. Did you take any part in the last political campaign?—A. I did in one way. I never made a speech during the campaign except once. I was invited by some Germans to attend a gathering near Burton. The invitation really, the way I understood it, was to go there and convert the contents of some kegs of lager beer, to take some lager. When I got out there they commenced to talk about politics, and we had a general talk on that subject. That was the only time. I never made a speech during that campaign, and if I am permitted, I will state at once why I did not do it. I had been engaged in the campaign before and had also made speeches. But it is one of the favorite dodges of the opposition to charge on prominent Republicans the making of social equality speeches. The last time when I ran, which was in 1880, for county treasurer I was defeated. The canvass was going on while the district court was in session. The duties of the county attorney at that time included the duties of the present district attorney. I had to prosecute all criminal cases and misdemeanors as well as felonies up to the crime of murder and so forth. The district court was in session at that time, and I did not have much time outside of my business there in connection with the court. Besides that, I went into it rather unwillingly. I did not care about the office; it did not pay me very well, and I thought I could make more when I got out of office. But the boys got me down to Washington beat one night; they had a big meeting, and, forsooth, I must go. It was Saturday night, I think, and they called on me to make a speech. Outside of that I made one other speech, 3 miles from town, among the Germans, one evening. That is all I did. But the others went every night, on both sides. After the election I heard from a certain man—he taunted me with it—that I had made a speech, and said that in ten years the Germans would be mighty glad to marry their daughters to negroes.

Q. They imputed a speech of that kind to you?—A. Yes, sir. I have since tried to find out who made that remark originally, but I cannot find the man. But they had stated it all over the county, and had poisoned the minds of the people against me; and not being around and knowing anything about it, I was defeated by a small majority of 93 votes. So I told them this time, emphatically, “Here, I have got this paper, and I am responsible for what is in the paper, and I desire it to have its proper effect. If I go on the stump and make speeches, the first thing I know will be that they will charge this against me amongst the Germans, to poison the minds of the people, and I do not propose to have it done. You have enough men to make speeches without me.”

Q. So that you made no speeches during that campaign?—A. No, sir; I made none. So far as the other part of the canvass is concerned I did this: I wrote about the conduct and criticised the conduct of the officials. I also stated the facts that transpired in the various meetings, and gave an account of the insults thrown out against the Republican candidates by the Democratic speakers, of the threats that were made, and the exhibition of arms, threatening to do violence.

Q. Do you mean to say that those things occurred during the campaign prior to the election?—A. Yes, sir; they did.

Q. What threats; have you in mind any threats that were made against Republicans?—A. If you will excuse me a minute I think I can find a paper here which I would like to glance over containing articles on this subject. (After searching for the paper referred to.) No; I have not got the paper here now, but I will bring it out at another time.

Q. Well, state in a general way, but as specifically as you can, about it.—A. Threats were made, for instance, against Judge Hackworth.

Q. Threats were made against him by whom?—A. By Mr. Kirk.

Q. What kind of threats?—A. Well, that he would call him strictly to account for anything that he said, any false statement that was made he would call him to account for it; in other words, that he would see him outside personally.

Q. You have some newspaper record of it?—A. Yes, sir.

Q. If you cannot find it now, we will pass that.—A. Very well. My participation in the canvass, as I have stated, consisted in criticising the conduct of the officials there. There were several main features which I had in view. One was the administration of justice in the county, if it may be so termed, during that administration. I showed up, and our speakers did on the stand, as I learned from day to day, as they were on the stand, these matters. Joe Hoffman was most of the time with me at night when he came from the stump, and of course I knew all about what was going on. The sheriff, by himself and deputies, was in the habit of summoning a peculiar set of men as jurors. You will find that class of people everywhere; they are called chronic jurors. All those men belonged to the Democratic party, and the consequence was that it was a hard thing for a man to get a jury which would do him justice. That is one of the things I wrote about in my paper.

Q. I suppose you mean it was a hard thing for a Republican to get justice?—A. Yes, sir, for a Republican to get justice; that is what I mean. I wrote about that and it created some stir. I showed that all those men were Americans and that the Germans had no representation on the jury hardly at all. I showed, for instance, that at the May term of last year the jury commissioners had drawn sixteen men—we have jury commissioners to draw the jurors——

Q. Who makes out the list from which those jurors are drawn?—A. The county judge for his court, and the district judge for his court, select three jury commissioners, and they draw the jurors. They make the list for the various terms. But that is a farming country, and, as it happens, some are over age when they are called on (some of those jurors who are drawn on the list), some are millers, and some are ginners, and some postmasters, and some belong to fire companies, or are sick, or something else, and the consequence is that perhaps one-third one-quarter, or even three-quarters of those drawn do not appear, and these other men are sworn in as jurors.

Q. That is as talesmen, you mean?—A. Yes, sir; they were drawn in as talesmen by the sheriff, but they then are sworn in as regular jurors for the week in the county and district court.

Mr. EUSTIS. I would like to ask what all this has to do with our investigation; I ask it just as a matter of curiosity.

The WITNESS. I will state here that I am giving these facts because a great hue and cry has been raised that I among others had been making incendiary speeches. I want to show why this animosity exists against me. It was because I have shown up these matters to the Germans in my paper, which was circulated in that county.

Mr. SPOONER. That is legitimate, I think. You can proceed.

Q. You are one of the petitioners here?—A. Yes, sir; I am one of the petitioners. At the last May term of the court there were fifteen or sixteen men drawn as jurors. Nine of them were Americans and six Germans. Of those there were finally put on the venire two men, one a German and one an American.

Q. And all the rest were excused?—A. Yes, sir; and several were fined, and so forth. Ten men were found to be summoned by the sheriff. Of these one was a German and four were colored men, and I think all four of them, if I am not mistaken, were Democratic colored men, called afterwards the “guard of honor” during the campaign. Six of this class of Americans, these chronic jurors, made up the balance. That was one point I called attention to. The other point was that a number of school vouchers had been forged, so it was said; at any rate the money was drawn on them, and we charged that the incumbent of the county judge’s office, Judge Kirk, was to blame for it; that it was owing to his negligence, and so forth. In fact, we asserted, and we were quite confident we could prove it if we had received the offices, and show that there was a great deal that was rotten in that office, so far as the distribution and management of the school fund was concerned, and we were determined to unearth that business and too show it up. I think those were the main points. But there was another point I had almost forgotten, and perhaps that was the most important one. I broadly asserted that the courts were run in the interest, and the officers were working in the interest, of the rowdy element of that county. I showed that up, too. In 1885, on the 26th of December, I think it was, there was a ball given at La Bahia, and rowdies, all Americans, went to the place and yelled and howled, and, I understood, fired off their six-shooters right in front of and around the house. I think one of them went inside with a six-shooter. That went on until two of these gentlemen went right up to their houses and fetched a few shot-guns, and that sent those fellows off. That was in Washington County, and it occurred during the administration of those parties.

Q. Did you publish an account of these things?—A. I did; yes, sir. I published that somewhere about February or March. I did not hear of it at once; it came slowly to me. All these things were covered up in town. Some time later there was at Long Point a German ball, and some youngsters, also Americans and also all Democrats, went there and broke up everything, and I understood took away money and beer and everything of that kind, and, to use the common phrase, played the devil generally. There was some weak attempt made afterwards, as I noticed by the papers, to prosecute them, but I believe nothing came of it. La Bahia was close to Burton. At some time during the day at Burton there were a lot of fellows shooting around promiscuously in the town.

Q. What was the date of that?—A. It was on the 26th of December, 1885. They were shooting around promiscuously in town and into people’s houses, and two men, also Democrats and Americans, went for a German, and one held a drawn pistol on him while the other was whipping him, and nothing came of that except that there was a little complaint made against those two men who had thus committed an aggravated assault on this German, and they were fined \$5 for it.

Q. I understand the point you are making is, that during the campaign you arraigned the county Democratic administration in your paper for being inefficient in not making any effort to punish these lawless acts?—A. Yes, sir.

Q. And you account in part for what you claim to have been a prejudice excited against you by reason of the fact that you made these publications?—A. Yes, sir; I attribute it to this course which I pursued. I also gave a very long statement of an outrage committed on the Deerson family. Some parties tried to outrage her, and mutilated her in a

most horrible manner, and for that endeavor I came very near being killed.

Q. You asserted that in your newspaper?—A. Yes, sir.

Q. What do you mean when you say you came near being killed?—

A. The man I censured there swore vengeance on me and afterwards came down there——

Q. That got to be, then, an individual matter?—A. Yes, sir.

Q. Well, pass that.—A. Very well. I will say this, however; that as soon as I commenced to write about these matters some Germans in town who affiliate with the Democratic party, and some held office under the Democratic party, were very busy going around about town and telling people that I was making a mountain out of a mole-hill; that this was all done for political effect, and that they should not believe a word of it. Even when this outrage was committed on this woman they said they should not believe anything of it; that it was all foolishness, they were such nice young men. That urged the people on to me; that is what I think it did; I found that out later. There was a case where the old tactics were resorted to. A man named Brösche was attacked there in some way, and one of them held a pistol while the other knocked him down. In that case I understand the man was found not guilty, and fined a small sum. I think nobody wanted to swear they had seen the pistol. I stated what kind of a jury it was there again, and one of the jury made an assault on me as I was going up my steps. I did not see the fellow at all, and he jumped on me unawares and knocked me down before I knew it. I found out then that several of these Germans had gone around and tried specially to incite these people against me, and they did it, too. They even wanted to incite Riggs Hackworth, the justice of the peace, against me, telling him that I had written something very wrong about him.

Q. As to mere personal quarrels, no matter how they originated, they are not within the province of this investigation. We want to get at the political situation there in its relation to you and others?—A. Well, sir, in my paper during the campaign I arraigned these parties, the parties in power, for inefficiency and for willfully refusing to do their duty to all parties alike and all elements of the county alike. That is all I have done.

Q. Had there been an outrage committed at Chappel Hill two years before at the election of 1884?—A. I forgot that. I stated that in my paper also; that there this reign was inaugurated. They fired at some colored men there, and one of them died afterwards, as I understand, in consequence of the wound received at that time.

Q. You commented on that in your paper, did you?—A. Yes, sir; I did.

Q. Was anybody arrested for that raid upon the ballot-box?—A. No, sir.

Q. Was any reward offered for the apprehension of the perpetrators of that outrage?—A. If there was I am not aware of it.

Q. Do you know of any steps having been taken by the county officers looking to the arrest of those people?—A. I do not know whether they made any effort or not; I do not think they did. If they had done so I surely would have known it. If you will permit me, in regard to the subject of the action I took during the campaign, I would like to read a translation of a circular which I wrote. It is well known that I wrote it, because whenever anything is written on our side in the German language everybody knows that I wrote it. But this part was signed by the Republican executive committee. It was printed and issued at my

office, and all the German farmers were waiting for it to take it out into the county when it was printed. If you will permit me I will read what I said about the administration in the closing of the campaign. The other articles I can give to you later, after I have translated them. Shall I read it?

Mr. SPOONER. Yes.

By Mr. EUSTIS:

Q. What is the date of that?—A. It was published just on the eve of the election. It came out on Sunday morning, and the election was on the second day after. It must have been written on the 30th of October.

By Mr. SPOONER:

Q. Is it a long article?—A. Not very long.

Mr. SPOONER. You may proceed.

The witness read as follows:

GERMAN FELLOW-CITIZENS: The coming election is, for the German citizens of this county, one of the most important ever held here. The issue is to make an end of the anomalous lawless state of affairs that has held sway in our county for the last twelve years. For this purpose the Republican party has placed the most influential offices in the hands of the Germans, viz:

- For county judge, Carl Schutze.
- For sheriff, Paul Fricke.
- For tax assessor, Joe Hoffmann.
- For tax collector, William Ehlert.

Of all officers in the county the sheriff and county judge have, as every one knows, the most extended power. On them depends the protection under the law of the citizen and the public security. The officers' clique and its revolver heroes want no Germans in these offices, for Paul Fricke and Carl Schutze will, if elected, clear out this gang, the outrages committed on Germans and colored people will end, and many a rowdy who to-day swings his revolver over peaceable citizens will leave the county. The officers' clique and their coadjutors know this, and therefore their whole rage is turned against Carl Schutze and Paul Fricke and against Joe Hoffmann, because the latter would not, as a man of honor, sell his party and his friends for an office, and all levers have for weeks been put in motion to defeat these three Germans in this election. And in this undertaking the officers' clique has gone so far as to attack the character of Messrs. Carl Schutze and Joe Hoffmann in the meanest manner, and to throw dirt at them. A dirty German sheet—the Volksbote—which, having almost no subscribers any more, is bought during this campaign and circulated all over the county by the officers' clique, and serves as a depository in which the excreta hostile to the Germans find their place. We brand all the charges against the Republican candidates contained in the Volksbote as infamous lies, and we say that a man who attacks the character of such men as Carl Schutze and Joe Hoffmann, as was done in this week's Volksbote, after the Texas Staats Zeitung had already been issued and could not reply, is without every feeling of honor and is too houndish himself to be able to lose a character. We publish herewith all political articles which have appeared during this campaign in the Texas Staats Zeitung, in order to show:

(1) That Mr. Carl Schutze has only stated facts and discussed the official acts of the officers, which every one has the right to criticise, but has refrained from making any allusion to the character of the officers.

(2) That the charges preferred in the Texas Staats Zeitung against the present administration were made openly and honestly, and weeks before the election.

(3) That the Volksbote cannot contradict these charges, and therefore resorts to dung throwing.

The cowardly trick of the Volksbote to come out with its contemptible charges only Thursday of this week compels us to issue this circular.

German fellow-citizens, the expressions of animosity which are directed against our German candidates are in unison with the treatment received by the German citizens from the officers' clique throughout. The meanest infamy is not too dirty for this clique to be hurled against Germans as long as they answer their purpose. You have now seen what sort of men Kirk, Rodgers & Co. are. Will you free yourselves from the rule of these men? Will you maintain your self-respect? Will you have quiet and peace in the county and an economical administration? Then vote for the Republican candidates.

Respectfully,

THE REPUBLICAN EXECUTIVE COMMITTEE.

By Mr. SPOONER :

Q. That sort of literature is not peculiar to Texas, is it?—A. It is peculiar to Texas. You have to fight the devil with fire; that is all you can do.

Q. Where were you on election day?—A. At home; at my office.

Q. That is to say, in Brenham?—A. Yes, sir.

Q. Did you go about the city?—A. No, sir; except when I went to the polls and voted.

Q. What is the total vote cast in Brenham?—A. I think it is about 900.

Q. What proportion of that vote is Republican?—A. I never paid any attention to that.

Q. Do you not know what the Republican vote in Brenham is as compared with the Democratic vote?—A. At the last city election Mr. Hackworth—

Q. I do not speak of the city election; I mean the vote in Brenham at the general elections.

The WITNESS. Do you mean the city itself alone?

Mr. SPOONER. Yes, the city itself. I would like to know the total vote of the city of Brenham, and how much of that is Republican and how much Democratic, and how much of the Republican vote is colored?—A. I could not give you the figures. Mr. Hoffman would be the one to give you that information. He is assessor, and knows all about it.

Q. Very well; we will pass that. You heard about certain outrages having been committed in justice's precinct No. 1 on election day, did you not?—A. Yes, sir.

Q. That the ballot-box was raided at Flewellen and Graball?—A. Yes, sir.

Q. And the ballot-box stolen at Lotts' post-office?—A. Yes, sir. I will, if you will permit me, read an article on that subject, which I presume will give best what I know about it. I wrote the article in Brenham while I lived there.

Mr. SPOONER. We want to make the examination as short as we can and do justice to the subject. There is no dispute thus far about those occurrences, and the point I want to get at in this connection is simply whether you know of any steps having been taken by the Democratic county administration leading to the discovery and arrest of the perpetrators of those outrages.

The WITNESS. No, sir; I know that they have not made any attempts in that direction.

Q. Was any reward offered at any time by the county officers or sheriff for the apprehension of these men?—A. No, sir.

Q. Does your sheriff offer rewards in Texas where murders have been committed, in order to discover the criminals?—A. Yes, sir; sometimes they do.

Q. You heard about three negroes being hanged?—A. Yes, sir.

Q. Did you know those men?—A. No, sir.

Q. Were any efforts made, so far as you know, to discover and arrest the perpetrators of that outrage?—A. None whatever.

Q. Do you know of any reward having been offered for their discovery?—A. I know there has been none offered.

Q. Do you know whether or not these occurrences were brought to the attention of the governor of your State?—A. Mr. Hackworth wrote a letter to Governor Ireland and wanted to read it to me, but being busy

at the time he did not read it to me, but he stated to me the general purport of it.

Q. Well, we will establish that by better evidence.—A. I will say, however, that since the election I have drawn some of the wrath down upon my head by writing up the facts in this case, writing about the citizens' meeting, what was done, the resolution offered by Judge Kirk to expel Republicans, and so forth. I stated also in my paper, which came out on the 11th of November, I think, that this man Bolton was masked at the time when he was killed, and stated all about it. That is the crime that I have committed since that time.

Q. Have you that article with you?—A. Yes, sir; I have it here.

Q. Is it necessary in order to express your ideas in that connection that you should read it all, or can you give us extracts from it?—A. I can take extracts from it.

Q. Please do so.—A. It will not take me very long to read it if you wish to hear it.

Mr. SPOONER. We do not wish to shut out anything material, but we have so many witnesses to examine in a short time that we want to expedite the matter all we can.

The WITNESS. This article states the whole matter, so far as it could be ascertained at the time.

Mr. SPOONER. Very well, you may read it.

The WITNESS. The paper containing this article came out on the 11th of November, 1886.

Mr. SPOONER. It states the facts as you understand them?

The WITNESS. Yes; as I understood them at that time, and as I understand them still. The article is headed "Days of Terror in Washington County."

The witness read the article referred to, which is as follows:

[From the Texas Staats-Zeitung, November 11, 1886.]

DAYS OF TERROR IN WASHINGTON COUNTY.

Those were fearful days, the days since the election, for the Republicans of Washington County! Since 1865 we have not seen such days of terror in this section, and still we are in the midst of them and cannot foretell the end. The cause of all the terrors is the election of the Republican county ticket. Had the so-called "People's ticket" been victorious, all would have terminated smoothly; bonfires, cannonading, howls, and whisky would have filled the air and nobody would have been molested. But there was the rub! The Republicans had been victorious, and as soon as this dawned upon the leaders of the People's party the ball opened. How Republican tickets were thrown out illegally, and how three ballot-boxes were stolen, we have shown already in our remarks about the election. About the stealing of the ballot-boxes definite reports have been received. It appears from them that at the Flewellen box, in the night of the election, at about 2 o'clock, several masked white men, with drawn pistols, rushed into the room where the election judges counted the votes, to take away the ballot-box. As two years ago the colored election officers at Chappel Hill were shot at during the night, the negroes had posted a guard to prevent the theft of the ballot-box, and one of them fired at the invaders, wounding one and killing another named D. Boulton.

Shortly before, the same persons, fifteen in number, had been at Graball, and, forcing the election judges to hold up their hands, had taken away the ballot-box. The next evening the election box of Lotts' Store was stolen. Messrs. Spaun and Booker, two of the election officers, were on the way to Brenham with the ballot-box and the election returns. When about 11 miles from Brenham three masked men with leveled guns stopped them and robbed them of the ballot-box. On Wednesday, the day after the election, it became generally known that Boulton was killed. The affair was represented as an unprovoked murder, and in the course of the afternoon a large number of Americans from the country appeared in the streets of Brenham and held a meeting in Eldridge Hall. They were armed, and stood around at the street corners. From their talks it was evident that the leading Republicans were accused of having

instigated the negroes to acts of violence, and threats to murder those Republicans became general. The evening of this day a troop of armed men rode to the Washington precinct and brought seven negroes, who are alleged to be concerned in the killing of D. Boulton, to Brenham. From Wednesday on the lives of the leading Republicans were threatened continually; one rumor of the prospective lynching of the jailed negroes and the leading Republicans chased the other, and, as especially at night, the town offers no protection whatever against a mob, the lives of the Republicans were continually in danger and, like common felons, they had to leave their families and homesteads and hide out during the nights.

On Friday there appeared in Brenham about three hundred men on horseback, all armed with rifles or shotguns, and again held a meeting, in which the Republicans were told in plain words that it was determined to hold the offices, if necessary, by force, and that it would not be permitted in the future to make incendiary speeches to the colored people. County Judge L. Kirk made a motion in this meeting that S. A. Hackworth, J. L. Moore, A. W. Gilder, and Ed. Lockett should be notified to leave this county within twenty-four hours, or this order would be enforced by double-barreled shotguns. Kirk did this evidently because it was just these Americans who had advocated the claims of the Germans in this campaign among the negroes. The only Germans who took any interest whatever in this meeting and who greeted this motion with tokens of joyful approval, were H. Hodde, Joseph Tristram, and E. Langhammer; Col. D. C. Giddings spoke against it, however, and the proposition was dropped.

Since then the report was circulated that the negroes in Chapel Hill and Washington had risen in mass, and armed men were sent there only to find out that the negroes are glad if they are let alone. Thus on Monday evening armed men were sent to Washington precinct to quell an alleged negro riot. On the road there they met people from that section and ascertained that there was not a word of truth in the whole story about the negro riot. It became, however, evident that the sheriff was to be led away from Brenham so the seven negroes in jail might be murdered, and had not certain men in Brenham prevailed on the sheriff to order the Brenham military companies to guard the jail, an orgie of murder and lynching would perhaps have followed.

On Tuesday the sheriff sent the negroes in jail to Houston by rail, well knowing he could not protect their lives in jail. Tuesday night Polk Hill, the alleged slayer of D. Boulton, was arrested and also sent off by rail.

It must be evident to all who know the real facts and have watched the English local press that the occurrences that have transpired are partly falsified and partly kept secret, and that this reign of terror was put in operation and is thus far being kept up by a small and specially interested clique for the purpose of intimidating the Republicans, so they will relinquish their offices. The true state of facts will soon be known generally, and then it is hoped the same men, who are yet ready to obey the dictate of this clique, will turn against it with disgust and indignation. The Republicans against whom all these instigations and threats are leveled are all respected old citizens of this county, whose only fault it is that they have the courage to express their convictions, and the reaction in public opinion in their favor will not long have to be waited for.

By Mr. SPOONER :

Q. Was it the understanding and report there that the same persons who committed these outrages at Flewellen committed them at Graball?—A. Yes, sir; that was the understanding at the time, and thus I wrote it.

Q. Who do you mean by those leading Republicans? Name some of them.—A. There was your humble servant, there was Joe Hoffmann, J. L. Moore, S. A. Hackworth, Riggs Hackworth, O. B. Potter, and others, perhaps, but especially those, and there were two young men, Mr. Ed. Lockett and Lonny Gilder, who had also taken an active part.

Q. Did you have any order to leave there; any order, written or verbal?—A. I had no direct order to leave, written or verbal. I cannot say that any letter was sent to me, or other paper. No man came to me and told me that I must leave, but to every man who lived there it was very evident that I could not stay there. My friends who were with me, they had friends in town, and some of them were Masons, and they received information, of course, from their fraternity and others. Mr. Hackworth, for instance, has a very large family and has relations in town there who were mostly all Democrats, and from statements

that were given to these persons and from what I saw in the town myself I knew that I could not live there any longer. I left town twice. On the evening of Wednesday, that is the day after the election, all the Republicans had to hide out that night——

Q. You do not mean all the Republicans in the city?—A. I mean these leading Republicans, Mr. Hackworth, Mr. Hoffmann, and others. They did not sleep in their own houses. Mr. Hoffmann, who used to stay at my place, did not sleep there that night. He received notice in the afternoon, about 5 o'clock, I think it was, that he must leave there at once, or they would come up to the office and kill us, and we took arms and went down to Mr. Hackworth's house. They went to another house to sleep, and I went to Galveston that night, because I have no family, and I did not want to bother anybody by remaining there.

Q. Did you sell your property there?—A. No, sir; I did not sell it. I will tell you about that.

Q. State, as briefly as you can, about it.—A. After the colored men were lynched on Thursday morning, the next day, I think it was on Friday, Mr. Louis Bryan came up to my office. He looked very much excited and very eager and talked very fast. He wanted to know about the papers in the case of Zapp against Amslers & Brothers, I think, and said something about continuing the case to the March term of the county court. I did not know whether it had been continued or not, and it seemed to me very extraordinary that he should come there at that time. It was on the 2d of December, the court had adjourned some time, and the next term of the court would not be until the middle of January. I thought it was very strange. While he was sitting there Mr. Hackworth approached him on the subject of a letter which had been apparently written to Judge Kirk. Judge Kirk claimed that he had received it from the post-office. I had heard of that letter myself, and I heard that a man by the name of Rankin, who was part owner of the Brenham Banner, had been going around the streets with that letter and inquiring of everybody if I or Steve Hackworth had not written the letter. I think he told Mr. Jodon about it, and Mr. Jodon said that it was not in my handwriting or in Mr. Hackworth's either. They went all over town asking people about it.

Q. This Brenham Banner was a Democratic newspaper?—A. Yes, sir. They asked if we had not written it to try to excite people against us. Of course every man who is not half-witted would know that it was not to our interest to do anything of that kind to get ourselves into a difficulty.

Q. Did you write that letter?—A. No, sir; I did not know anything about it. Mr. Hackworth told him then that he thought he ought to know that we would not have written that letter, and that he had heard that Judge Kirk had written it himself; and from what I have since learned, either Judge Kirk or Mr. Rodgers, it is said, put some young man up to it to write that letter. Mr. Bryan then said, "You disclaim the authorship of that letter, or any knowledge of it." Well, of course Mr. Hackworth told him that he did. Then he went out and called me out into the hall; said he wanted to see me. He says, "Mr. Schutze, it is very evident that you cannot live here."

Q. Excuse me a moment; was this Mr. Bryan a Democrat?—A. Yes, sir.

Q. Is he connected officially with the Democratic county organization as a member of the executive committee or anything of that kind?—A. It was generally understood in Brenham that he belonged to the ex-

ecutive committee. There is a firm there of Searcy, Boyd & Garrard, a Democratic firm of lawyers, and Mr. Searcy is the chairman of the Democratic committee, I think. Mr. Bryan then stated to me, "It is very evident that you cannot live here; that they are determined to kill you, Hackworth and Moor, and," he says, "we do not want you to go off without a cent, and if you want to leave we will buy you out." I said, "What can you give me?" "Well," he said, "about two or three hundred dollars."

Q. What was it he offered to buy out?—A. He offered to buy out my paper. He said, "We want to get rid of that paper; we want to break that thing down; we have no use for it." I laughed at that and said, "If I have to go I might as well go without any money; two or three hundred dollars is not anything." I said I would submit it to some people who had a financial interest in the paper and let him know; and I spoke next day to some parties, and, to make the matter short, Mr. Breedlove, who was also interested, and had advanced some money on the paper, I spoke to him afterwards. The next Monday Mr. Hackworth came there in the morning looking very white and pale, and told me that Mr. Bryan had told him that they were coming in that day, and if he wanted to sell out to anybody there he would see to it that they would not hurt him.

Q. They proposed to buy Mr. Hackworth out, too?—A. Yes, sir.

Q. To give him something to leave with?—A. Yes, sir. I understood afterwards that Mr. Bryan talked to Mr. Hackworth the same day that he saw me in the office, when I had told him that it would take about fifteen hundred to two thousand dollars to buy me out, and he would not think of that at all, and said he had no use for the paper. That night Mr. Hackworth left.

Q. Was this Mr. Bryan connected with either of these indignation meetings?—A. I do not know, sir. That night Mr. Hackworth left. I saw those men coming to town, and I saw there was a good deal of stir. I knew the temper and purpose of those men and knew what they wanted, and I left that day at noon and went down into the country. I knew that my life was not worth a nickel.

Q. You left, then, under those threats and under that influence?—A. Yes, sir. That is, I returned after that to wind up my affairs. I was assured by Mr. Breedlove that he had assurances that I would not be molested if I came back to wind up my affairs, and perhaps they would buy me out. But they refused to buy me out. Mr. Breedlove negotiated the matter with Mr. Bryan; they could not stand the amount I asked, and I had to move the paper to Galveston. On the Monday following, Mr. Hackworth left, and on the next Monday I left on the evening train, and that was the time when they fired two or three shots at the car. I thought it was only two shots that they fired at the time, but Tom Foley, the conductor, told me there were three shots fired.

Q. State more fully in regard to that, if you please?—A. As the train was starting, some pistol shots were fired, and a rock was thrown into the window. I was sitting in the car facing in that direction [indicating], and the rock came in here [indicating], and it broke out a panel of the shutter, and dashed it to pieces almost.

Q. The stone was thrown into the window of the car near where you were sitting?—A. Yes, sir; just to my right, a little ahead of me. It passed within perhaps an inch of my face.

Q. Do you know who threw it?—A. No, sir.

Q. You stated that pistol shots also were fired?—A. Yes, sir.

Q. Were bullets shot into the car?—A. I did not see any. I do not know whether the shots were fired into the car or not, but they were close up to it.

Q. Was there any foundation whatever, so far as you know, for these rumors that were circulated of a negro uprising?—A. No, sir.

Q. Did you hear of any threats made by the Republicans, or were the threats that were made entirely confined to the Democrats?—A. Yes; they were entirely confined to the Democrats.

Q. Two years prior to this election of November, 1886, the People's ticket had been elected?—A. Yes, sir.

Q. That was a ticket, as I understand it, made up of Democrats and dissatisfied Republicans in the main, was it not?—A. Well, I do not know that they were Republicans at that time.

Q. The People's ticket was the ticket voted for by the Democratic party of the county?—A. Yes, sir; that was the ticket. At the last Democratic convention in Brenham a man by the name of Rollin Campbell (I do not know his initials), was to be expelled from the Democratic party because he had voted for Judge Breedlove, who was running on the Republican side, and he excused himself saying, "Well, I understand that there was no politics in that; that was the People's ticket, and anybody could vote just as he pleased." Thereupon he was answered by a Democrat, and I think by Mr. Searcy, that any man of common sense ought to have known that was the Democratic ticket.

Q. At any rate that was the ticket which the Democrats voted?—A. Yes, sir.

Q. And that was the ticket which ran in opposition to the straight Republican ticket?—A. Yes, sir.

Q. There was no distinctively Democratic ticket in the field?—A. We all considered it the Democratic ticket.

Q. I mean no other than that?—A. No, sir; none other.

Q. It was called People's ticket?—A. Yes, sir. I will add right here that I know of no Republican who was on that ticket.

Q. Do you think of any material matter which you have not stated, I mean any material point referred to in your petition, upon which you desire to speak; I do not mean personal quarrels independent of politics, but I mean anything going to show the public sentiment which existed, or which showed persecution for political reasons, which you have not already referred to?—A. No; I have not anything else in particular to say. I might add that we were armed every night, and Joe Hoffmann staid with me. I have stated, I think, that men offered to come up and protect me. I was in town there on the 13th of January the last time.

Q. Did you go back there to wind up your affairs?—A. Yes, sir; I did.

Q. When was that?—A. Well, I left on the 6th of December, when Mr. Hackworth left. He left at night and I left in the daytime. I returned a few days afterwards on the assurance that if I wanted to come back and wind up my affairs I would not be molested, and I left the second time on Monday, the 13th of January.

Q. Were you obliged to leave at any time subsequent to your first leaving?—A. After the car was shot at and rocks were thrown at me I knew my hour had come.

Q. You went back after that, did you not?—A. I was there on the 13th of January.

Q. Were you obliged to leave then?—A. Yes, sir.

Q. Were you driven out?—A. Two men who had threatened my life repeatedly, who had threatened it before that I understood, were hunting for me, and I was warned by two men——

Q. Were they personal or political enemies?—A. Personal enemies. One of them had once knocked me down, and the other had made threats against my life repeatedly.

Q. Was that for a publication made by you?—A. Yes, sir.

Q. You had no other personal quarrel?—A. No, sir; none at all.

By Mr. EUSTIS:

Q. When did you first make these exposures in your paper that you speak of?

The WITNESS. What exposures?

Mr. EUSTIS. About the maladministration of Democratic officials?

A. The first was in February or March, when I spoke of these outrages committed on the Germans.

Q. What year was that?—A. It was in 1885. It was quite a lengthy article.

Q. Did you keep on making those exposures from that time at different periods?—A. Yes, sir. The first was in February or March, and then came the Deerson matter, and then came a card in my paper by a man named Nelson. His wife was attempted to be outraged by a young white man, a Democrat. That was also in my paper.

Q. You say this opposition German paper had made very serious charges against you which you had denounced in that circular letter?—

A. The opposition German paper made no definite charges against me or any one else. It said that I was a man of bad character.

Q. That you were a man of bad character?—A. Yes, sir.

Q. What else did it say?—A. That is about all it said in that article I have reference to, I suppose, and the editor did not do that on his own responsibility, but had some name under it as if it were a communication to the paper. That paper came out after my paper had been printed, and they knew it had been printed, my last issue before the election, and made the charge.

Q. You say they charged you with nothing specific?—A. No, sir; not that I am aware of, that is, in that article.

Q. Well, in any of those articles?—A. In that paper that is the only time they ever attempted anything of that kind, and that was done after my last issue of the paper before the election had been printed. There was another article, written by a Lutheran preacher, as I have since ascertained, by the name of Samuels, which tried to justify the conduct of the county judge, Judge Kirk, in rejecting certain trustees of a certain school community. I had written an article on that subject the week before, and I think that was all. If I can find the paper here I can look at it and refresh my memory about it.

Q. What was your interest in this paper that you published?—A. It was my paper.

Q. Did you own it?—A. Yes, sir.

Q. Did anybody else have an interest in it?—A. Yes, sir.

Q. Who else had an interest in it?—A. You know what a paper consists of. My paper consists of the materials——

Q. We will assume that we all know what a newspaper is.—A. In other words, there was a mortgage——

Q. I did not ask you about the mortgage; I asked you who else had an interest in this paper?—A. I state I am the owner, but there were debts against the paper; there were no partners in the paper. I was the sole owner of the paper.

By Mr. SPOONER:

Q. I thought you spoke awhile ago of your consulting others who had an interest in this paper?—A. Yes, sir; but you did not ask me to explain how that was.

By Mr. EUSTIS:

Q. Was this an incorporated company which owned it?—A. No, sir; not at that time. It was not an incorporated company from the beginning; it was a sort of partnership at first, but that was a year prior to this time, and that partnership was dissolved, and I took the whole interest.

Q. Mr. Warner owned an interest, did he not?—A. No, sir; his interest was this: I have a conditional bill of sale from Julius Lehman for the whole material. I owed him on that \$411 and that year's interest on it. Last spring I had a chance to buy a power press. Prior to that it had been printed on the Banner press. I wanted to get \$1,200 to buy this power press, and for other purposes, and I got eleven business men in town, within two hours, to sign a note with me for \$1,200 to buy that press. I had the press sold to Mr. Vernon, as he was one of the signers of that note, as representative of myself and the balance, and he gave me a conditional bill of sale for the press, and that is what I mean by other parties being interested in it. But I was the sole owner of the paper.

By Mr. SPOONER:

Q. Then they were creditors, that is all?—A. Yes, sir; that is what they were.

By Mr. EUSTIS:

Q. The title was in you?—A. The title was in me, and I had a conditional bill of sale. I had that made conditional, as I had no family and I did not want, in case I should die, to have these parties without security. The condition was that if the note was not paid, the title to the press should vest in the parties.

Q. How much was that for?—A. For the press they had signed for \$1,200 for me, and that was for \$1,200.

Q. Was the conditional sale for the whole of the paper or for the press?—A. No, sir; that conditional sale for \$1,200 was for the press itself. Julius Lehman had \$400 on the material, and that was a conditional bill of sale for that.

Q. So that there were two conditional sales?—A. Yes, sir; two conditional sales, one just over the other.

Q. One that was for \$1,200?—A. Yes, sir; for the press.

Q. And the other was how much?—A. It was at first \$450, but it is \$411 now, as I have paid off some in the mean time.

Q. How much did you sell that for?—A. When I left Galveston I understood my life was in danger; I understood they were sending some fellows down there to murder me, and I had to go away, and I knew the paper could not be sold for anything like what it was worth. These men had advanced me money, and trusted me, and I just told them, give me \$100 to get away with and I will go. And they gave me \$100, and I gave them a clean bill of sale for everything there.

Q. Who gave that to you?—A. Julius Lehman and Mr. Albert Vernon; the other half they sent to me here.

Q. In your attempted negotiation with Bryan, how much did you ask him for your paper?—A. I did not ask him any specific price; I asked him what they were willing to do.

Q. I thought you said that \$1,500 or \$2,000 was the amount you asked?—A. I was going to say that I did not ask any specific price; I asked him first what he would pay, and he said about \$200 or \$300, and I told him I certainly would not take that; that the lowest price would be \$1,500 or \$1,600, and then I would have to see the men who had advanced me money, as I could not drop it and leave the material on their hands.

Q. You told him you would take \$1,500 or \$1,600?—A. Yes; provided these parties were willing; that I would leave it to them. Mr. Breedlove was one of the gentlemen who had signed that \$1,200 note, and I asked him and Mr. Vernon to see him, and these gentlemen took the matter in hand, and I left it entirely to them.

Q. Do you say that no one ever made any personal threats against you; I so understood you?—A. No one ever came directly to me and made a direct threat, nor did anybody ever send me a letter; what Mr. Bryan stated to me I did not look upon as a threat from him, because he did not threaten me by any means; he spoke very pleasantly to me so far as that is concerned, and we had always been on very pleasant terms.

Q. Were you defeated in the election of 1880?—A. I was.

Q. For what office were you running?—A. I was candidate for the office of county attorney.

Q. Were you running as a Republican?—A. Yes, sir; I was.

Q. Who defeated you?—A. Albert Haines.

Q. Is he a Democrat?—A. He was. I have stated before some of the reasons why I was defeated.

By Mr. SPOONER:

Q. They beat you about 60 votes?—A. No, sir; by 90 votes.

By Mr. EUSTIS:

Q. You say there was no Republican running on the People's ticket in 1884?—A. I did not recognize them as Republicans, and according to my knowledge they were not Republicans.

Q. Did not Mr. Joe Hoffman run on that ticket? A. No, sir; Mr. Hoffman was defeated at that citizens' meeting, and a young man named Hall, who then claimed to be a Democrat, ran against him, and Mr. Hoffman beat him by 1,500 to 1,700 votes. Since that time, however, Mr. Hall has been elected by us county commissioner.

Q. Are you quite sure that there were pistol shots fired when you left Brenham? Did you see anybody shoot a pistol?—A. Oh, no; it was dark outside, and how could I? I know a pistol shot when I hear it though, I have heard so many of them.

Q. Do you know who fired the pistol?—A. I could not say.

Q. Did you ever hear who did it?—A. No, sir.

Q. You are sure it was not a fire-cracker?—A. I am sure of that. I talked to Tom Foley, the conductor, the last time I was in Brenham, and told him that it had been stated or claimed that it was a fire-cracker, and he said they were pistol shots, three of them, two on one side and one on the other, and I think he said something about hiding behind a stove, but I am not sure about that.

By Mr. SPOONER:

Q. He was with you at the depot?—A. He was the conductor of the train when I went down,

By Mr. EUSTIS :

Q. Did you ever hear who threw that stone?—A. No, sir. I will state, that evening when I left I was going to Belleville to get the papers in a certain case, and intended to return there the next day, but owing to this occurrence I staid away entirely.

Q. You left Brenham, you say, on the 6th of December?—A. Yes, sir. The 6th was Monday and that was the day Mr. Hackworth left, and I left at noon.

Q. When did you go back there?—A. In two or three days, cannot say exactly which. Being assured that if I came back to just wind up my affairs I would be safe, I came back. I expected that they would settle up this business and buy me out, but they did not do it.

Q. How long did you stay then?—A. Until Monday. When they fired on me that evening I was going to Belleville, 18 miles from Brenham, to get the papers in a case that had been sent down to me there, and I intended to return the next day, but owing to this firing I did not, for I knew my time had come.

Q. Have you been back to Brenham since you went to Galveston?—A. I was there, as I stated, on the 13th of January. I will state to you how I got there. I went up there at night, because I knew it was unsafe, on the central train, and took a sleeper, so that nobody should see me, and when I got there I slept in a private house, and I was in town but half an hour the next morning, and then I took a horse and rode out to see Mr. Julius Lehman, 3 miles in the country, and returned by another road, so that they would not follow me. I saw Mr. Fricke, and he told me that my life was in danger; that the deputy sheriff had made certain remarks about me; and I rode around and went through a back door and came into a store, and was told by the proprietor and clerk that these fellows I mentioned were hunting me, and he begged me for God's sake to go away, and I rode to Albert Vernon's, and he went with me to the depot, and the train left in three minutes; and instead of going south I went north, and went around and came back to Galveston.

Q. How do you account for your being selected as one of those prominent Republicans, and as a victim for punishment from that community, when other Republicans equally prominent have never been molested at all?—A. I know of no one equally prominent Republican who has not been molested there, and I was selected because it was claimed that I was exercising too powerful an influence among the Germans. Whether I did that or not I do not know. I know this, that my paper had the largest circulation of any one in that county and it has yet.

Q. You say, then, it was on account of your supposed influence with the Germans?—A. I suppose so. It was on account of what I wrote in the paper.

Q. That cannot be the reason, for you commenced writing these things in March, 1885.—A. In March, 1885, I had not the slightest idea that it would ever have a political bearing. I wrote those articles to admonish the officers to do their duty; that was my purpose, and I will state—

Q. Wait a moment. Although your paper was very non-partisan, as you call it, you knew that those officials were Democrats?—A. I did, sir.

Q. How does it happen that if you commenced this abuse and these exposures of Democratic officials in March, 1885, that you were not at all molested or selected as one of the victims to be driven out of that community until as late as December, 1886?—A. I will state, first, that I

not only have criticised and condemned the Democratic officers, but also Republican officers in that paper. When Judge McFarland, who is a Republican, granted a change of venue to those perpetrators of this outrage on Mrs. Deerson, I commented against him heartily in my paper. He is a recognized Republican, and the district judge there. That was before I was ever nominated. The day before I was nominated the question was placed before me whether I would accept the nomination. I had never given my consent to it before that, and I positively refused it and fell out with Mr. Hackworth and Joe Hoffman on account of it. I flatly refused the nomination because I wanted to remain independent, and did not want to have anything to do with politics; I was getting tired of it.

Q. Do I understand you to say that by the course pursued in your paper you were obnoxious to both Republicans and Democrats, or to some Republicans and some Democrats?—A. By the course pursued by my paper I had become a very dangerous man to the official clique in Washington County, and their cohorts.

Q. That included the Republican judge?—A. I do not know how he feels towards me, but I suppose that he takes that criticism in a good spirit, as every officer ought to do, because it was a just criticism.

Q. What I want to get at is to have you state to the best of your ability, briefly, what is the reason why you should be molested when other prominent Germans there, for instance Mr. Fricke, who is an active Republican, have not been molested at all?

Mr. SPOONER. He is the only one who was not molested.

Mr. EUSTIS. I doubt that.

The WITNESS. Mr. Fricke is like all the rest of them; threats were numerous against him as well as others.

Q. He testified that he never heard of anyone being molested, although he was an active Republican, and an influential German. Explain if you know about that. What is the reason that he never had any trouble of that kind, although an active Republican and an influential German, and yet you were obliged to leave that community, though you did no more than they did except in publishing a paper? you took no active part in the canvass, I believe you said?—A. I have been looked upon in that county, whether justly or not I do not know, as being the leader of the whole Republican party, as being the man——

Mr. EUSTIS. That has been disputed; some other gentlemen claim that honor.

The WITNESS. I understand that; I will come to that. It has been claimed that I was laying these plans, together with Judge Hackworth; that he was working up the colored element, and he did do it, and that I was working up the German element, and I did partly do that; it was not Fricke who did that work so much as Joe Hoffmann and myself. I had written against this set of officers and the administration which was in that county, and that centered their hatred upon me, and they and their followers wanted to get me away from there. I was elected, and they knew it. We had threatened them and told them that we would contest our offices. Mr. Fricke had even, at my suggestion, put a little notice in my paper that he would contest for his office. The Banner; the Democratic paper, had sneered and said, "They want to contest; we shall see what we shall see," and threatened us if we did contest, and it is in one of these notes; therefore these men wanted to get me away from there, because they wanted to control the German element, and Mr. Hackworth also had the colored element pretty well in hand himself.

Q. Have you not an intelligent German population there?—A. Yes, sir; I do not claim I have control of the Germans there, and I never have claimed it.

By Mr. SPOONER:

Q. But they impute that to you?—A. Yes, sir; they impute it to me and are afraid of me.

By Mr. EUSTIS:

Q. Have not the Germans divided very much in that county?—A. Most of them are Republicans. There are some who have fallen from grace, some who worships the golden calf in the persons of some of the Democratic leaders, and they therefore must go with the Democrats. Men there say to them, "You do not want to go with the negroes," and forsooth they must go with the other side and lose sight of everything else. Of course they are not a unit, but the great bulk of them are Republicans, and there would have been a far larger Republican vote if the bulldozing had not been resorted to as it was before the election, and every election box stuffed so as to elect all their men, and try to rope and draft in the German vote with the Democratic vote.

Q. Do I understand you to say that you think it is on account of your great influence with the Germans——?—A. I beg your pardon, sir; I never said that. I especially deprecated the idea that I had any influence.

Q. I meant your supposed great influence with them.—A. It must be because I unearthed certain things and told some truths that hurt them very badly.

Q. That is the only reason you know of why you assume that these Democrats wanted to drive you away from Brenham?—A. Yes; because I was elected to office. They did not want me to hold that office, nor will any other Republican, Mr. Fricke included, contest that office. Every one of them knows that as soon as he contests it his life is gone.

Q. What is the reason why that state of things which you say existed in 1886 did not exist previously?—A. I do not like to say anything against the national administration, but prior to that we had a Republican President.

Mr. EUSTIS. Well, speak the truth, no matter whom you hit.

The WITNESS. Oh, I will speak the truth; you need not be afraid of me.

Mr. EUSTIS. I say, do not hesitate to tell in your answers just what you think.

The WITNESS. Prior to that we had a Republican President, and we had Republican marshals in the United States courts, and Republican prosecuting attorneys in the Federal courts, and whenever things of this kind occurred at the polls these matters would be inquired into. In 1880, I think it was, certain parties raised a disturbance at Independence, I believe, and they were called to account for it, and although they were never punished for it, it cost them a good deal of money to get out of the scrape. They were called to account for it in the Federal court at Austin. Now we have a Democratic marshal, and he is the cousin of the editor of the Brenham Banner. We have also a Democratic prosecuting attorney, and we have Democratic jurors in the Federal courts, and they know what that means; I know what it means, and that is partly the reason why they did it this time. Besides that——

Q. You would not contest for an office in the Federal courts?—A. I understand that; I was going to proceed. Besides that, before that

time we had a Republican sheriff and other Republican officers. The sheriff is the man to uphold the peace of the county. The sheriff summons the juries, and the sheriff protects a man or strips him of that protection that the law ought to give him. This last time they had a Democratic sheriff and Democratic officers, and we had no protection whatsoever, and I may add now as well as at any time that neither the life nor the property of a Republican is worth a fig when he comes to be tried in the State court in that county.

Q. Do you mean to say that the life and property of Republicans in that community is not safe, so far as the administration of justice in the county court is concerned?—A. I do, most emphatically, desire to say that if a Republican is killed to-day in that county that they will clear the man who kills him, at any time; whereas if a Republican should do it, even if he had a reason for doing it, the probability is he would be hung for it, and in civil suits it is about the same.

Q. Do you base that opinion on any cases that have occurred there?—A. I have seen cases tried, but I base that opinion especially on the jurors I have seen in the box, the jurors that the sheriff has drawn.

Q. I ask you if you base it on any case that has been tried, and not your impression generally about jurors?—A. I tried once several cases in the justice's court, and they had a constable there, a colored man—

Q. I am speaking of the county court.—A. Yes, sir. I will give you a very interesting case, since you ask me about a case. I was defending a man who was from Washington beat. I forget his name, but Mr. Rodgers here could tell you the name. They had their own jury there. The man was charged with having set his dog on the hog of a neighbor, and the county judge charged that if the dog was on the hog when this defendant heard of it, and he heard of it after the dog had gone on the hog, and then neglected to go and take the dog away from the hog, he was guilty. That was his charge—a very lucid one. The jury found the man guilty. I then made a motion in arrest of judgment and also for a new trial, and I spoke to the county attorney, Mr. Rodgers, who is a Democrat himself, and told him to dismiss the case; and he said, "Why, I have a judgment; a verdict; what are you talking about?" I told him the facts and what the charge was, and he dismissed the case after the man was found guilty by that jury under the charge of that court.

Q. Is that the only case upon which you base your opinion that justice cannot be obtained?—A. That is one of the cases.

Q. Is that the only one?—A. I have tried other cases there, and I find invariably that the jurors always are against us in the best of cases we have had; and when I see the character of the jurors, and they are always the same character of men drawn there, then I know, and you would know it if you were living there, exactly what to expect.

Q. Do you mean to swear that as between a Republican and a Democrat that court would render a judgment against the Republican in violation of law, just because he was a Republican?—A. Well, sir; the prejudices are very great among the people there. I have seen those things done. I would not say that every Democrat would do it, but I know there are a good many who would do it.

Q. I am speaking of a court.—A. Well, whether they sit in court or not. They can, of course, only render judgment against a man in court when they are drawn there; they could not do it outside.

Q. Is not that a very orderly community outside of what occurred there during last November and December?—A. The great bulk of the people are very orderly, and I am far from charging—

Q. Are they good people, quiet people?—A. Yes, sir; they are; the Germans are law-abiding, honest, hard-working people, and there are a great many Americans of that kind. But there is a very dangerous element in that county also, an element that I would not trust at all; and it was this element, sir, with whom your official colleague was working.

Q. Do you know how many votes were thrown out at this last election?—A. Yes, sir. I will give you the figures. At Independence, 187 votes; at Chapel Hill, 188 votes; and at Felder's box, 100 votes.

By Mr. SPOONER:

Q. Are those Republican votes that you are talking about?—A. Yes, sir; Republican votes, the diamond-shaped ticket, the straight Republican ticket, and it makes a total of 475.

By Mr. EUSTIS:

Q. What box do you mean by Felder's box?—A. I am not so well posted in that section of the country that I should know. It is called Felder's box.

By Mr. SPOONER:

Q. You mean to be understood as saying that in the county canvass 475 diamond-shaped tickets were thrown out?—A. Yes, sir; they were thrown out. They were straight Republican tickets. I will state that I take these figures from an article which appeared in my newspaper on the 11th of November. I charge, also, that the following Republican majorities were in the boxes that were stolen, if you desire to hear the statement.

Q. Republican majorities in the stolen boxes you mean?—A. Yes, sir. At Graball, 360; at Flewellen, 150; and at Lotts' Store, 123.

Q. Where do you get your figures?—A. I got them from all sources that I could get them at that time. I understood at the time, and have learned since, that these figures are correct, and I think they have been sworn to here. That makes a total of 1,108 votes that were thrown out and stolen.

Q. That is, Republican votes?—A. Yes, sir; 1,108 votes that were stolen from there and thrown out. In this connection I might state the majorities which, according to my figuring on the face of the returns, the several officers had. Paul Fricke, 580, that is the minority which we had on the face of the returns; Carl Schutze, 582.

Q. What are those figures?—A. They are the minorities on the face of the returns.

Q. Who ran against you in that election?—A. Judge Kirk.

Q. Then you mean to say that on the returns as they were canvassed by Judge Kirk and the county commissioners, he, Kirk, had 582 majority?—A. I think that was it. That is the way I received the figures. I do not know whether they are exactly fair or not. But that is the way I received them at the time, and I have not looked at them since. William Ehlert, for collector, 612, and C. C. Bryan 704 for county clerk; Allen Wilder, for county attorney, 742. He is a colored man.

Q. Who was the Democrat who was running against Wilder?—A. Mr. Rodgers. Against these minorities on the face of the returns we have to set off 1,108, and we claim we are elected by from 400 to 600 majority.

Q. What have you on the member of assembly?—A. I did not pay any attention to that in my article. I just read from the article which I wrote at the time, and I have no personal recollection of it since.

By Mr. EUSTIS:

Q. How many votes do you claim you were elected by as against Judge Kirk, leaving out everybody else?

Mr. SPOONER. That is, if his votes had been counted.

A. On the face of the returns they had 582. Take 1,108 votes that were thrown out and still that leaves 526 votes. I claim I was elected by a majority of 526 votes.

Q. That is, counting all the ballots that were thrown out and stolen?—

A. Yes, sir; and the majorities that were stolen.

By Mr. SPOONER:

Q. You do not mean counting all the ballots, do you?—A. I mean to take the returns as they are.

By Mr. EUSTIS:

Q. What I want to get at is this: Assuming, so far as you know, that every ballot had been counted, which it is claimed has not been counted, by what majority do you claim to have been elected?—A. By 526 majority.

Q. How many Germans are there who voted the People's ticket in Brenham, do you know?—A. I could not tell you; I do not know.

Q. Do you know about how many?—A. That is impossible for me to say. I was not at the polls and I did not pay any attention to it, and never did inquire into the matter or give a thought to it.

By Mr. SPOONER:

Q. I will ask one question. How long after the election of 1884 was it before the sheriff who was elected on the People's ticket qualified and entered on the discharge of his duties? Answer that as briefly as you can.—A. I want to say it in two words, if I can. Three or four weeks afterwards, I think.

TESTIMONY OF STEPHEN A. HACKWORTH.

STEPHEN A. HACKWORTH, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your full name?—Answer. Stephen A. Hackworth.

Q. You are one of the signers of the memorial or petition under which this investigation was ordered and is now being conducted?—A. Yes, sir.

Q. How old are you?—A. I am in my forty-seventh year.

Q. Where do you live?—A. I live at Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in Washington County all my life. I was born and raised there.

Q. How long have you lived at Brenham?—A. I have lived at Brenham since 1867.

Q. What is your business?—A. I am a real estate agent.

Q. Have you held office in Washington County?—A. Yes, sir.

Q. What office?—A. In 1870 I was elected presiding justice of Washington County, and I held that office until 1876.

Q. As presiding justice—does that mean county judge?

Judge KIRK. It was at that time, but there has been a reorganization of our courts.

Q. That is a position which answers to that of county judge?—A. Yes, sir.

Q. You had probate jurisdiction?—A. No, sir; we do not have probate only presided over by the commissioner's court.

Q. What are you politically, a Republican or a Democrat?—A. I am a Republican.

Q. How long have you been a Republican?—A. I have been a Republican ever since the reconstruction; ever since the war.

Q. What is the total vote, as near as you can get at it, in that county, the average total vote?—A. It is about 5,600, or very near it.

Q. What proportion of that is colored?—A. I think about 2,300 or 2,400; I did have the exact figures; I do not know whether I have them here or not.

Q. Are the colored voters generally Republican?—A. Yes, sir; generally. There are about 1,700, perhaps, of them that will vote the Republican ticket without scratching the ticket, while there are perhaps 400 or 500 who will vote the Republican ticket but will scratch it.

Q. You mean now and then?—A. Yes, sir.

Q. You think there are about 1,700 who will vote the straight Republican ticket?—A. Yes, sir; about 1,700.

Q. How many Germans are there in the county?—A. I think there are about 1,900 German voters.

Q. What proportion of them vote the Republican ticket ordinarily, if you know?—A. Well, we count that there are perhaps about 1,600 of those who are Republicans, but they do not always vote the straight Republican ticket; they do a good deal of scratching.

Q. What has been the usual Republican majority in that county since you have known of its political affairs?—A. It has ranged all the way from 500 to 2,000 majority. I think in a fair election, where there would be no bulldozing, that our majority would be two thousand, about.

Q. How long have you been active as a Republican official in that county?—A. Ever since 1867; well, you might say that I have been actively engaged in politics ever since 1870.

Q. From 1870 down to 1884 was there any general election in the county at which the Republicans were unsuccessful?—A. Yes, sir; in 1884.

Q. I say, from 1870 down to 1884 was there any general election in the county at which the Republicans were unsuccessful?—A. No, sir.

Q. The first ticket then elected in that county from 1870 down to 1884, in opposition to the straight Republican ticket, was in 1884?—A. Yes, sir.

Q. What ticket was elected in 1884?—A. The Democratic ticket, or the so-called People's ticket.

Q. How was that ticket made up?—A. Well, the straight Democrats were given the important offices, the sheriff's office, the county judge's office, the county clerk's office, and the commissioner's court, and the Germans or Independent men (I believe Mr. Minkwitz has usually claimed to be a Republican until late years, but he says now he is a Democrat), they were given the unimportant offices, or offices that were not important at all. But, as I say, the straight Democrats held all of the important offices.

Q. You say the important offices were given to the Democrats on this People's ticket?—A. Yes, sir.

Q. And the minor offices were given to the Germans and colored men?—A. Yes, sir. Well, they only had one colored man I believe, and

that was Mr. Moore; I believe he was the only one; they sent him to the legislature.

Q. Judge Kirk was elected at that election?—A. Yes, sir.

Q. Was he elected as county judge?—A. Yes, sir.

Q. Now, coming down to the election of 1886, how many tickets were there in the field?—A. Only two.

Q. What were they?—A. The Democratic or People's ticket and the Republican ticket.

Q. That is to say, there was a straight Republican ticket and then there was, just as in 1884, a Democratic ticket called the People's ticket?—A. Yes, sir.

Q. Did you take an active part in that canvass?—A. Yes, sir.

Q. In what way?—A. Well, I helped to organize the party and to canvass the county after the campaign began.

Q. Did you take part as a political speaker?—A. Yes, sir.

Q. Making speeches throughout the county?—A. Yes, sir. It was not the intention of the Republicans to make any canvass of the county, and we really did not begin any canvass until five weeks prior to the election. But Judge Kirk, Mr. Rodgers, Mr. Dever, and all the Democratic candidates, with their colored and white supporters, began the canvass, I suppose, five weeks prior to the time we began ours, and they made all kinds of charges against us and challenged us to meet them on the stump, until at last we felt that it was necessary to meet them on the stump.

Q. So that you went into the canvass?—A. Yes, sir; we did.

Q. State to the committee who were the leading active Republicans in that county; the men who took part in the campaign and promoted actively the success of the party organization.—A. Myself, Mr. Moore, Mr. Potter, Mr. Hoffman, Mr. Schutze, and Mr. Fricke; but really myself and Mr. Schutze and Mr. Moore took the most active part. We were really the organizers of the party.

Q. In which precinct was there the strongest Republican vote; the strongest Republican majority?—A. In Washington, Justice's precinct. It was divided into four election precincts.

Q. Into what election precincts was it divided?—A. The precincts were Lotts' Store, the town of Washington, Graball, and Flewellen.

Q. That is what has been called here Justice's precinct No. 1?—A. Yes, sir.

Q. You call it the Washington precinct?—A. Yes, sir; that is the name it is generally known by.

Q. Was that the strong colored precinct of the county?—A. Yes, sir.

Q. What was the usual Republican majority in that precinct?—A. About 800; from 700 to 800 it had been averaging.

Q. At those four polls?—A. Yes, sir.

Q. What was the usual Republican majority at Graball, if you remember?—A. My recollection is that at Graball it was about 350 usually, up to 1884.

Q. What was it at Flewellen?—A. At Flewellen the box had been at Jackson's Store prior to this time, but it was then changed from Jackson's Store to Flewellen.

Q. But that did not change the voters?—A. No, sir; it did not change them. There was about 150 Republican majority.

Q. How was it at Lotts' post-office?—A. My recollection is it was generally about 130 or 140 Republican majority.

Q. How were those majorities at these different polling places made up; of colored men mostly?—A. Yes, sir; mostly colored men and some few white Republicans, but very few down east.

Q. Was Chapel Hill in this precinct?—A. No, sir; that is in Precinct No. 2.

Q. Is that a strong Republican polling place?—A. Yes, sir.

Q. Colored?—A. Yes, sir.

Q. And there was an outrage there in 1884, was there not?—A. Yes, sir.

Q. In what did it consist?—A. Well, armed and masked men went into the election room about 3 or 4 o'clock in the morning and shot two colored men, and one died afterwards from his wounds, and the others recovered; there were three men shot.

Q. Were they officers of the election?—A. I think so.

Q. There were white officers at that same election at that poll?—A. I do not think there were any white officers there. That election precinct was divided up after Judge Kirk got in, into three election precincts.

Q. Do you know of any effort having been made by the Democratic county officials to discover and apprehend the perpetrators of that outrage?—A. No, sir; not a single effort was ever made.

Q. Were any rewards offered for their apprehension?—A. No, sir.

Q. Did the grand jury make any investigation into the matter, so far as you know?—A. So far as I know, I think not; I never heard of any.

Q. Who was the leading Democrat in that canvass; the most active participant in the campaign in behalf of the People's ticket?

The WITNESS. In 1884?

Mr. SPOONER. No; in 1886.

A. In 1886 Judge Kirk and Mr. Rodgers were the main managers who canvassed the county.

Q. Mr. Rodgers was the candidate for county attorney?—A. Yes, sir.

Q. Where were you on election day?—A. I was in the town of Brenham, where I reside.

Q. Did you see Judge Kirk there on that day?—A. Yes, sir.

Q. How many meetings did you hold during the campaign?—A. I would like, while we are on that subject, to mention this. Along in the evening of the day of election it was ascertained that the Republican ticket was elected by a very large majority.

Q. What do you mean—that it was so rumored?—A. Yes, sir; that was the rumor. Telegrams were sent to Democrats from Graball, sent to leading Democrats there, telling them that Washington precinct had gone by unusually large Republican majorities. I think it was about 3 or 4 o'clock in the evening when some friend came hurriedly to me and said that Judge Kirk was down at the fourth ward trying to provoke a riot. I hurried down there and when I got there I found him cursing Mr. Moore. He had his hand in his pocket, and I could see the shape of his pistol, and he was doing his utmost to provoke a difficulty, and also had some of his bulldozing friends standing near him with their hands in their pockets. I went up to one of them, Frank Harvin, and asked him if he could not stop them and induce Judge Kirk to leave the polls and not raise any disturbance; that Moore was unarmed, and we did not want any difficulty there at the polls at all. While we were talking Judge Kirk came up to me and cursed me, and said, "God damn you, if you will walk up to the railroad I will fix your hash," and he cursed me bitterly, and did his utmost to provoke a difficulty. I spoke in a calm way and told him "You are the county judge, and it is your sworn duty to preserve the peace at the polls here, instead of trying to provoke a riot." A few minutes afterwards Mr. Potter came up, and he began a tirade of abuse against Potter. He said we had taken ad-

vantage of him and had misrepresented him in the canvass. He was angry simply because we had defeated him, and he wanted to provoke a riot right on the ground, by which he could have myself, Moore, and Potter murdered right there. He had his bulldozers, I have ascertained, ready prepared, from town, so that just at the moment the fighting began there would have been a general riot and we would have been killed on the ground, as well as large numbers of colored men. We understood the game and took his abuse and cursing without remonstrating. That was the understanding we had; that we would take their abuse and not resent it until they did some violent act that compelled us to act on the defensive. He had his friends there, Democrats, and he did his utmost, and had everything ready cut and dried that evening to provoke a riot at the polls.

Q. What time on election-day did you see Judge Kirk?—A. I saw him on his horse, him and a noted bulldozer. And friends who came to me first said they had seen him in close consultation with other Democrats; that they had seen him and Colonel Giddings talking very earnestly together.

Q. Very likely.—A. Friends came to me and said they were satisfied that Judge Kirk was going down in the Washington precinct to organize the Kuklux and destroy the polls.

Q. Who came to you with that report?—A. There was a colored man who felt satisfied of it, and I went to Mr. Jodon immediately and talked to him about it.

Q. What time of the day was this?—A. That was about 5 or 6 o'clock, as well as I remember.

Q. Prior to this you say telegrams had come from the Washington precinct that the usual Republican majority had been given in that precinct?—A. An unusually large Republican majority.

Q. Against this People's ticket?—A. Yes, sir.

By Mr. EUSTIS:

Q. Did you see any of those telegrams?—A. No, sir.

By Mr. SPOONER:

Q. You did not see any of those telegrams?—A. No, sir; but I was informed of them.

Q. They came to Democratic politicians?—A. Yes, sir.

Q. And the receipt of those telegrams and their purport was rumored around the streets of Brenham in the afternoon of that day?—A. Yes, sir.

Q. You say it was between 5 and 6 o'clock that you heard that; that is my recollection of your statement.—A. Yes, sir.

Q. You heard the suggestion made that Judge Kirk was going down to Washington precinct to organize the Kuklux to destroy the ballot-boxes?—A. Yes, sir.

Q. Did you see Judge Kirk in Brenham that day after that time?—A. No, sir.

Q. How far is it from Brenham to Flewellen?—A. The way that he went, around by Chapel Hill (I understood that he went that way), it would be about 20 miles. If he went direct from Benham to Flewellen it is about 16 miles, that is, by the most direct route on which he could go.

Q. To Chapel Hill?—A. No, sir; to Flewellen, if he went around by Chapel Hill.

Q. He could not go there by rail?—A. No, sir.

Q. You understand that he went around by Chapel Hill?—A. Yes, sir; and if he did, that would be 20 miles to Flewellen.

Q. Do you know anything about his going to Graball?—A. I understood from colored men that he was there that night.

Q. That he was there at Graball?—A. Yes, sir; very late at night.

Q. Do you know anything about his going to Flewellen?—A. Well, all that is hearsay.

Q. I believe that is admitted.—A. It is generally believed and known that he did go there, and that he went there to organize the Kuklux, and had the boxes taken as they were taken. Nobody doubts that in Washington County, Democrats or anybody else, but what he did it; I do not think they doubt it in the least. We are certain of it, at least as certain as we can be of anything we do not know positively. We are sure that was his object.

Q. I have here what purports to be a telegram published in the Daily News. What was the Daily News?—A. The Daily Galveston News.

Mr. SPOONER. This article is dated November 2 and is sent to the Galveston News. We will offer this in evidence. It is a telegram sent from Brenham, November 2, to the Galveston News and published on the 3d of November. It is a publication which appeared in that paper dated at Brenham.

Mr. EUSTIS. Let us hear what it is.

Mr. SPOONER. I will read it:

Brenham, Texas, November 2d. The election to-day passed off very quietly, no disturbance having been reported in any part of the county. In this city a light vote was polled, but there will not be any returns completed before daylight to-morrow morning. The Republicans were better organized than they have been since the palmy days of the Loyal League. The negroes, with few exceptions, voted the straight Republican ticket. The Prohibitionists had a straight ticket at the polls, with district and county offices blank. Very few of them were voted. It will be to-morrow afternoon before any definite news is received. At present the result is in doubt. It will be very close at best.

By Mr. SPOONER:

Q. That purports to have been sent from Brenham on the 2d of November and published on the 3d of November. Is the Galveston News a morning paper?—A. Yes, sir.

Q. You heard of outrages committed in that Washington precinct?—A. Yes, sir.

Q. What were they?—A. The news came to Brenham next morning that a young man named Ford had been killed by a negro at the Flewellen box, and we never knew any better. We thought it was Ford until late that evening, the next day, and then we heard it was Boulton instead of Ford who was killed. The rumor came that he was sitting by watching the vote in the interest of his father who was a candidate on the Democratic ticket, and that a negro fired at him through one of the windows of the room and killed him, and that a lot of negroes had been arrested, and they had admitted that they were instructed to shoot white men that they found around there watching the counting of the votes, or "monkeying" with the ballot-box. That was the first report.

Q. Do you know who circulated those reports?—A. It was the general rumor over the town simply. The people were very much excited. I was satisfied——

Q. Who was Ford?

Mr. EUSTIS. Let the witness finish what he was going to say.

A. I felt very well satisfied that that was not the truth of the matter, because I knew that negroes would not shoot white men. I knew that a negro would usually take almost anything before he would shoot a white man, and I did not believe the report when I heard it. I was satisfied, putting this and that together, that it could not be so. Along late in the evening we heard that the ballot-box had been destroyed, and that Judge Kirk had been there. It was the next morning after it was done that I heard that. I felt certain that Judge Kirk had been there. I knew that he and Boulton were intimate and had been consulting together the day before the election, and I felt confident, as soon as I heard it was Boulton, that Judge Kirk had gone down there that night, and had gotten Boulton and Ford and other friends to disguise themselves and capture the ballot-box.

Q. Do you mean to say that Boulton who was killed there was intimate with Judge Kirk?—A. Yes, sir; very intimate with him.

Q. And you said they had been in consultation a day or two before the election?—A. Yes, sir; the day before the election.

Q. Where?—A. At Brenham.

Q. What was Ford?—A. He was another friend of Judge Kirk's, who lived close to Flewellen's.

Q. Where did Boulton live?—A. Near Flewellen. He and Ford lived on adjoining plantations.

Q. What was Ford politically?—A. He was a Democrat.

Q. And so was Boulton?—A. Yes, sir; he was a Democrat.

Q. You heard about the other outrages committed, the raiding of the box at Graball?—A. Yes, sir.

Q. And of the stealing of the Lotts' post-office box?—A. Yes, sir.

Q. Do you know of any efforts having been made to discover the perpetrators of these outrages?—A. None whatever.

Q. Have any rewards been offered?—A. No, sir.

Q. Do you know whether the attention of the governor of Texas was at any time called to these outrages?—A. Yes, sir.

Q. When and by whom?—A. I sent him about the 15th of November one of my circulars which appears in the scrap-book there, and then, after the hanging of these colored people (I do not remember whether it was the Sunday before I left home or not, at any rate it was a short time before I left home), I wrote him a letter and have never received any reply to it. Then I also wrote a letter to Judge Rector, and I will put that letter in evidence; that is, certain portions of it now.

Q. Who is Judge Rector?—A. He is chairman of the Republican executive committee of the State.

Mr. EUSTIS. You cannot put portions of any letter in evidence.

The WITNESS. I want to put in what he says about an interview he had with Governor Ireland.

Mr. EUSTIS. No, sir; you must introduce the whole letter, not portions of it; that is the law.

Mr. EVARTS. He can put in the part he reads, and we can put in the rest if anybody wants it.

Mr. EUSTIS. The rule is, you cannot introduce a part of a written document; if you introduce it at all, you must introduce the whole of it.

The WITNESS. This letter is of date December 14, and I received it after my arrival here.

By Mr. SPOONER:

Q. This is a letter from Judge Rector to yourself?—A. Yes, sir.

Q. Your letter of December 2 I suppose is in the hands of Judge Rector?—A. Yes, sir.

Q. Have you a copy of it?—A. No, sir; I have not.

Q. What communication did you have with Governor Ireland in addition to sending him this circular of which you speak?—A. I do not think I wrote him any letter. It seems to me, too, that when I sent him that circular I wrote a few lines calling his attention to it.

Q. You know of no rewards having been offered by any one for the apprehension of these men?—A. No, sir.

Q. Nor any efforts made to discover and arrest them?—A. No, sir.

Q. You remember the hanging of the three colored men?—A. Yes, sir.

Q. I ask you the same question as to the perpetrators of that outrage; you never have heard of any steps being taken to secure their arrest?—A. Never at all.

Q. Look at this paper which I hand you, and see if it is the circular which you issued, a copy of which you sent to Governor Ireland [handing a circular to the witness].—A. Yes, sir; that is the circular.

The circular referred to is as follows:

To the citizens of Washington County:

Not having any English newspaper in this county which will permit me or any other Republican to give facts to the people, or to make my statement in our own behalf, I am forced to take this method of appealing to all fair-minded citizens to withhold their judgment until the Republican side is fairly and fully heard in regard to all charges so freely made by its opponents.

I have been repeatedly warned, during the canvass just closed, that I would be murdered if I attended and made Republican speeches at political meetings, but my reply to all my friends who urged me to take no part in the canvass was that I would rather be a brute than be a man too cowardly to express my political sentiments, and that if the time had come, or should ever come, when any man could not express his honest political sentiments in Washington County, it would be better for him to be dead. I am a Republican and have taken an active part in the canvass just closed. I have attended all of the Republican meetings, and know the character of all the speeches made at such meetings.

No social equality or incendiary speeches have been made by any Republican. Judge Kirk and County-Attorney Rodgers have stated in their speeches that Judge I. B. McFarland (our Republican district judge) had ordered and kept the races divided in the district court room, while Judge Kirk permitted no such distinctions in the county court room, and there all races had to sit on the same seats together. County-Attorney Rodgers also boasted that the present Democratic administration was the first county administration that had ever convicted a white man for the murder of a negro, and in nearly all of his speeches he referred to this (Cobb) case, and charged that white Republicans had been too cowardly when in office to prosecute white men for such offenses.

Judge Kirk and County-Attorney Rodgers attended all of our large Republican meetings in company with armed white and colored supporters, and demanded and obtained a division of time with Republican speakers, nor was any effort lost upon their part to obtain a large share of the colored vote.

The political contest was an open one with all the odds against the Republican candidates, and if, after every argument and effort made and used by the People's candidates to secure the colored vote, they have failed to secure it, they should not now complain because the Republicans were successful in obtaining the bulk of such vote. R. J. Moore, a colored man, was a candidate for the legislature upon the People's ticket, while in the Brenham precinct, Logan Jones, and in the Gay Hill precinct, Lewis Walton, both colored men, were placed upon the same ticket as candidates for constable. Upon the Republican ticket colored men were also nominated for positions; so it cannot be said that either was, strictly speaking, "a white man's ticket."

Not only were colored men run as candidates, upon the so-called People's ticket, to catch the colored vote, but money and free whisky was also liberally used to secure such vote, and by such means nearly 500 colored votes did support that ticket. But

In the face of every effort made to defeat the Republican ticket it has been elected by handsome majorities by the white, as well as the colored, vote.

To prove this fact, I will refer to five election precincts where the white vote is at least three to one colored, and show how the vote stood in 1884, and at the recent election, viz :

Year.	Precinct.	Party majority.	Average majority.
1884	Burton	Democratic	250
1886	do	do	50
1884	Long Point	do	100
1886	do	do	none
1884	Greenvine	do	102
1886	do	do	none
1884	Independence	Democratic	100
1886	do	Republican	45
1884	Brenham	Democratic	359
1886	do	do	100

Not less than 1,000 white voters, a large majority of whom are large tax-payers, voted the Republican ticket at the late election, but to defeat the will of a large majority of the voters of Washington County, 475 lawful Republican ballots were thrown out at Independence and Chapel Hill, by advice of some leading friends of the People's candidates, upon the alleged grounds that such ballots were illegal, because they were printed upon diamond-shaped tickets. At all other ballot-boxes such tickets were counted, because it was well known that the supreme court of this State had decided that diamond-shaped tickets are legal.

Finding, on night of late election, that even with the throwing out of 475 ballots at Independence and Chapel Hill, the Republican ticket would be elected, if all other votes cast were fairly counted, armed bodies of masked men seized the ballot-boxes at Flewellen and Graball, thereby depriving the Republican candidates of at least 600 majority votes. The seizure of the Flewellen box resulted in the death of one citizen and the wounding of two others. It is alleged by the friends of the People's candidate that this bloodshed was unprovoked, and that white Republicans incited the colored people to shoot these three men, while upon the other hand it is known that all of these men were armed and masked, and were trying to destroy the ballot-box at the time they were shot. Eight of the colored men who are charged with the shooting of these men are now in jail and if they are given a fair trial all of the facts can be given to the public, but if they and their friends are mobbed they can never be fully or fairly heard.

Two years ago an armed and masked mob of men entered the election room at Chapel Hill, where colored election officers were quietly engaged in counting votes, and without a word of warning shot three of the colored men, one of whom afterwards died from the wounds he then received. No armed bodies of Republicans have ever paraded the country threatening to kill or exile leading Democrats on account of this outrage. It is a notorious fact that only Republican ballot-boxes have been seized and destroyed, and I believe that all fair-minded men will not doubt that these ballot-boxes were so destroyed for the purpose of defeating the Republican ticket. Two years ago, when the Republican ticket was defeated, the Republicans bowed to the will of the people, and quietly surrendered the offices to the victorious People's candidates without a murmur.

On the 5th instant armed bodies of men paraded the county and the streets of Brenham, and a meeting was held by them and their friends at Eldridge's Hall. At this meeting Judge Kirk offered a resolution expelling J. L. Moore, A. W. Gilder, Ed. Lockett, and myself from this county within twenty-four hours, and if we refused to obey the "ukase" we were to be expelled with shotguns. My father was a Texas veteran, and I was born and raised in this county, and I have never been guilty of a dishonorable act. I shall never leave this county, and if I am to be murdered on account of my devotion and fidelity to the principles of the Republican party, I will not be the first man who has been sacrificed. I have been warned that if I permitted the Republican candidates to contest this election, or, in other words, to appeal to lawful and peaceable methods to obtain the offices to which they have been fairly elected, that O. B. Potter, J. L. Moore, and myself would be instantly killed, also all of the candidates who would so contest the election. I shall insist upon each and every Republican candidate using every lawful right the law gives them to secure their respective offices. The Republicans of Washington County wish to know whether or not they are to be disfranchised, and whether or not a republican form of government really exists that will protect every citizen in every lawful right.

That is the simple issue, and it remains with the law-abiding people of Washington County to say whether or not we shall have a republican form of government in fact as well as in name.

Respectfully,

S. A. HACKWORTH.

BRENNHAM, TEX., *November 10, 1886.*

By Mr. SPOONER:

Q. You know of no steps having been taken to arrest the perpetrators of this outrage or discover who they were?—A. No, sir.

Q. Was it or not the general sentiment, so far as you know, that the Republican ticket had been elected?—A. Oh, yes, sir; that was conceded by every one; I do not think any one denied it, and we were making every effort to contest the election.

Q. Was the decision of the supreme court of Texas as to the legality of the diamond-shaped tickets known in Brenham prior to this election?—A. Yes, sir; it was known of by the lawyers, and it was talked about on the day of the election. I heard some talk on the day of the election in Brenham, calling into question the legality of those tickets.

Q. And the effect of that decision and its terms was known?—A. Yes, sir.

Q. What was the condition of public sentiment there after the election, as to leading Republicans?—A. Well, it was just a general reign of terror.

Q. Go on and tell the committee, in your own way, as briefly as you can, what you want to say about that.—A. Well, Judge Kirk and all his friends industriously circulated the report that Ed. Lockett and a young man named A. L. Gilder, whom the Republicans had sent down to the Graball and Flewellen boxes on the day of the election, had gone there and instructed the negroes to be armed, and to shoot any white man that they found "monkeying" around the box. That was the first report that came out. And it was charged that myself, Mr. Schutze, Mr. Moore, and other leading Republicans had sent them down there, and they had only carried out our instructions. That created a very bitter sentiment.

Q. Who insinuated and circulated such charges?—A. It was just a general rumor. Of course, it came from Judge Kirk and all of his friends who were interested in keeping up this statement and exciting the public feeling against us. The feeling was exceedingly bitter. We knew that if we could get a fair hearing before the people; if we could once get the facts out before the people, we thought all danger would be past. But they were determined we should not have a fair hearing. The Brenham Banner, which is the organ of the Democracy, and is Colonel Giddings's organ, came out in very bitter incendiary articles, and I would like to read one of the articles, and put it in evidence, to show what it said the day after the election.

Q. What do you know about the indignation meeting which was held there; by whom it was called, and by whom attended?—A. The indignation meeting was held on the 5th of November, after the election. There had been a meeting held just prior to that. That meeting was for the purpose of organizing the Democracy throughout the county so that they could be prepared to do whatever they chose to do in acts of violence. I considered, and I am satisfied to-day, that that meeting was held for no other purpose than to organize the bulldozers and ku-kluxes of the county; that was the real object of it. On the 5th I saw one body of men come in. I knew a good many of them. Capt. Tom Clay and William Dever, the brother of the sheriff, were at the head of

those armed men. Armed men came in from Washington and Chapell Hill and Burton precincts. They would come in by squads.

Q. Did you see any Republicans among them?—A. No, sir; not one; the Republicans were making themselves tolerably scarce.

Q. Do you know who the officers of this first meeting were?—A. The article in the Banner will show that.

Q. Was Mr. Bryan one of them?—A. Yes, sir; he was the secretary of the first one. He took a prominent part in all this.

Q. Was he an officer in the second one?—A. I think so; but I am not sure.

Q. Was there talk among you leading Republicans, immediately after the election, of contesting the election?—A. Oh, yes, sir.

Q. Do you remember these articles published in the Weekly Banner of November 18, which you have in your scrap-book?—A. Yes, sir.

Q. The Banner is the Democratic paper there, at Brenham?—A. Yes, sir; it is the Democratic organ.

Mr. SPOONER. I will read two short articles I find in this paper. Here is one of them:

Radicalism is dead in Washington County; so dead that the galvanic batteries have not been made that can bring it to life again.

Mr. SPOONER. That is from the Weekly Banner of Thursday, November 18, 1886. Here is another extract:

The Radical bulldozers of negroes talk about contesting the election, and say they intend to have the count themselves in spite of "hell and high water." We shall see what we shall see.

By Mr. SPOONER:

Q. At that time, you say, immediately after the election, you were talking of contesting?—A. Yes, sir; but I would like to finish what I have to say about that meeting.

Q. You may proceed.—A. When these armed men began to pour into Brenham, friends came to myself and Joe Hoffmann, who was in my office, and they warned us to get away. They thought we had better go down to my house, and that we had better not show ourselves on the streets. We went on down to the house while the meeting was in progress, and I do not think we had been there more than twenty-five or thirty minutes before we heard yells. I knew what that meant. I knew it meant danger. I live nearly half a mile from where the meeting was held. In a few minutes after that my son came hurriedly to me, pale and frightened, and said there was great danger; that he was fearful they would come down there. He said he did not know what they were going to do; that Judge Kirk had offered a resolution expelling myself, Moore, Gilder, and Lockett from Brenham within twenty-four hours, or from the county; and if we refused to go we were to be put out at the muzzle of shotguns. He said that Judge Giddings got up and said he was surprised that such a resolution should be offered, and he objected to it. I felt grateful to Colonel Giddings until I afterwards heard what he said in his speech. The Banner will show a part of what he said, but not all. He said the time for violence was past; that if violence was to be resorted to at all it ought to have been resorted to at the beginning of the canvass. I understood, though, from others (I would not like to mention the names of the parties, because they are Democrats) what Colonel Giddings said to them; they told me in confidence. I would like to state what one of the parties said Colonel Giddings said to him, but I will not do it unless I am compelled to.

Mr. EUSTIS. The witness should be notified that he will have to give their names if he repeats their statements.

Mr. SPOONER. Well, I do not care anything about that.

Colonel GIDDINGS. Anything I have said I will stand by.

Mr. EVARTS. Of course, whatever is evidence you must stand upon with the rest of us. The only point is, that these statements were obtained in confidence from men who, if their names are known might be injured by their friends and companions, and therefore it is not essential for us to show——

The WITNESS. We can show what he said in his speech; it is in the Banner.

Mr. EUSTIS. Let us have this thing understood. I think the witness should be notified of the requirement.

Mr. SPOONER. I am not asking him to give the names.

Mr. EUSTIS. Whatever he says anybody told him may be admitted, but I shall insist on having the names of the parties who made the statement to him.

Mr. SPOONER. I would not be willing to say that in all cases you will be entitled to them, so far as I am concerned, but as a general rule I think you would be.

Mr. EUSTIS. What I say is, that I shall insist upon the names of the parties. Of course if the committee chooses to overrule me, that is the end of it.

Mr. EVARTS. Of course it is very easy to understand that in the excitement there between the two parties, and the strength being, as believed, on the one side and the fear on the other, that friendly admonitions and warnings may be communicated from one to the other, and may properly be kept as confidential without any desire to conceal the truth. That is very easy to understand.

Mr. EUSTIS. Do you think that is a safe rule?

Mr. EVARTS. I was only going to say that in the examination of some of the witnesses that confidence was allowed to be respected.

Colonel GIDDINGS. But this is what I stated at a meeting where there were three hundred people present.

Mr. EVARTS. The only point is as to certain persons being intermediaries in communicating to these people, under precaution, what had happened at this meeting. What had happened there is well known; there is no disguise about that. The point is as to certain friendly communications coming to, communicating with, and warning these people. The witness does not care to state their names. [To the witness.] You heard what you supposed occurred at this meeting; your son told you?

The WITNESS. Yes, sir; but he did not remain there long.

By Mr. SPOONER:

Q. Did you receive any notices to leave?—A. Yes, sir.

Q. Have you got any of them?

The WITNESS. Do you mean written notices?

Mr. SPOONER. Yes.

A. No, sir; I have not.

Q. Tell us all you know about it. You left there, did you?—A. Yes, sir.

Q. Why did you leave?—A. The excitement had grown so intense and the efforts we made to get these colored men released under writ of habeas corpus, and their hanging had created such a terrible excitement that I found it would be impossible for me to remain there any longer without not only great danger to myself, but great danger to the lives of my friends.

Q. Did you have any advice from Democrats that you ought to leave?—A. Oh yes, sir; a great many advised me. I want to say in regard to this investigation, that if we could have had it, that is, tried these colored men by writs of habeas corpus, we would have got complete and full evidence right at that time, and I am satisfied to-day that we would have found out the men who took the ballot-boxes, and found out everything it was necessary to find out. The colored men were hung so that that investigation could not be had and the others were forced to give bonds. Of course that defeated any investigation by writs of habeas corpus. I had written a long letter to Judge Evans, formerly United States district attorney for the western district of Texas. He is now residing in San Antonio. The Federal grand jury was then in session at San Antonio. I wrote him a letter telling him all about this matter at the Flewellen box, directly after I learned the facts, and I told him that if he could prevail on the United States marshal to send down a trusted deputy to Brenham to seize a certain one of the bulldozers or kuklux that I was satisfied had robbed the box or polls at Flewellen, and would hurry him to San Antonio before his friends were advised of it, I was satisfied he would tell everything that he knew about the taking of the box at Graball and Flewellen. I never heard anything from Judge Evans until after my arrival here, when I got a letter from Mr. Cleborne, the present United States district attorney, saying that nothing could then be done.

By Mr. EVARTS:

Q. Have you his letter here?—A. Yes, sir; he said that nothing could be done.

Mr. EVARTS. We had better have the letter.

Mr. SPOONER. Where is the letter?

The WITNESS. He said that the case would have to be tried——

Mr. SPOONER. You need not testify as to the contents of the letter if you have the letter.

The WITNESS. Yes, I have it here [producing a letter.] I also asked if Mr. Ford could not be taken. That was the name of the man I suggested should be taken before the Federal grand jury if they did not think proper to take him before them at Austin; that they take him immediately before a United States commissioner at Austin or San Antonio. I believe, from what I knew of Ford, that if they had once got him before the Federal grand jury he would have told them all he knew about it. I believed that then and I believe it now.

By Mr. SPOONER:

Q. I asked you a little while ago to give me the names of the parties, Democrats, who notified you, if any there were, to leave, or who advised you that it was necessary for your safety to leave?—A. I am not willing to give the name of but one, and that is Mr. Louis Bryan, who conducted the negotiations.

Q. Tell us about that; you know all about it?—A. This was after the colored men were hung. I think it was on Friday, the 3d. I was up at Mr. Schutze's office and we were talking over the matter as to what we thought was best to be done. Mr. Schutze advised with me and said that he thought everything was hopeless from the warnings we had received, and that from the state of feeling we would be compelled to leave. About that time Mr. Bryan came up in the office and inquired about a case in the court in which he was on one side and Mr. Schutze on the other side. After talking a few moments this letter of Judge Kirk's came up; I think I brought that up myself. It had been said

over town that myself, Mr. Schutze, Mr. Moore, and leading Republicans had that letter written to Judge Kirk, and it was creating a great deal of bad feeling over Brenham. I knew this letter was bogus, or felt satisfied of it. I knew it was gotten up for the purpose of provoking a riot, or something of that kind, to give an excuse or pretense to murderers, and I spoke to Mr. Bryan about it. I told him that we had not written the letter nor advised any one to write it; that we were for peace, and were doing everything that could be done to secure peace and harmony in the county, and that I felt satisfied from what Democratic friends had told me that Mr. Rodgers had written the letter to Judge Kirk, and that he had done it with Judge Kirk's knowledge; that I was not certain of, but I felt certain of one thing, and that was that no Republican sent the letter. Mr. Bryan then stated to me, "You then, deny all knowledge of the letter?" And I said of course we did. He then walked out of the room and he called Mr. Schutze and took him out into the hall with him and had a long conversation with him. I did not overhear any of the conversation, but in a few minutes Mr. Schutze came back very much excited and said, "Bryan is waiting for you in my dining-room; he wants to talk to you." I went on back and had a talk with Mr. Bryan. Mr. Bryan went on to talk about the state of feeling. He said it was impossible to keep their bulldozers off of us any longer; that these men who had hung the negroes were determined men; that they were organized and they were determined that the leading white Republicans had to leave the county or else they would murder them; that it was impossible for him or the other Democrats to do anything further to keep them off from us, and that he had talked to Mr. Schutze about buying out his paper, and he wanted to talk with me about buying out my homestead. I told him I would be unwilling to leave unless I could sell my homestead.

MR. PUGH. Who was this having this conversation?

MR. SPOONER. It was Mr. Bryan, who was secretary of the first indignation meeting.

By MR. PUGH:

Q. I understand you to say that he said that those men who had hung these negroes were determined men?—A. Yes, sir.

Q. And that you would certainly be treated in the same way if you did not leave there?—A. Yes, sir.

Q. Then I understand you to say that Mr. Bryan substantially admitted to you that he knew who these men were?—A. He did not say he knew who they were; he said they were all determined men.

Q. How could he understand their character; it was through their acts, I suppose?—A. I suppose so.

Q. I want to get at the fact, if Mr. Bryan admitted enough to you to create the belief that he (Bryan) was informed as to who these men were who had done the hanging and who were threatening you?—A. If you ask my impression about it, I will say, most certainly, I believe, to-day, Mr. Bryan knows every one of the men.

Q. You could have had Mr. Bryan subpoenaed before any officer as a witness?

MR. SPOONER. In what proceeding?

MR. PUGH. He had the power to go before any committing magistrate and have the facts investigated. Why did he not subpoena them before the inquest?

MR. SPOONER. That is a curious way to fight a mob who are seeking after your life.

Mr. PUGH. I am not arguing the question.

Mr. SPOONER. I thought you were.

Mr. PUGH. I want to ask him if Mr. Bryan could not have been subpoenaed before the jury of inquest on the bodies of these negroes who were hanged.

Mr. SPOONER. This was after that inquest.

Mr. PUGH. It was after the inquest? Well, I did not know what time it was.

The WITNESS. Yes, it was after the inquest.

Mr. PUGH. Very well. We can proceed.

Mr. SPOONER. Proceed with your statement.

The WITNESS. He asked me how much my homestead was worth, and I told him it had cost me over twenty-five hundred dollars.

By Mr. SPOONER:

Q. Is Mr. Bryan a man of property?—A. Yes, sir; he has property in Brenham. He told me he would let me know next day how much he could get for it. He wanted to get what he could. He seemed to be acting as a friend. I had learned enough that morning from other Democrats (if I have to give their names I will not tell what it was) to know that there was a mob forming to come into Brenham either Saturday or Sunday to hang us, perhaps; the same men who hung these colored men.

Q. What was the event of these negotiations for the purchase of your home?—A. Mr. Bryan came back to me on Monday and said the most he could get was \$1,150, and I might just as well take it and be done with it, as there was no time to lose.

Q. Did he tell you there was no time to lose?—A. Yes, sir; he told me that; that I must leave Monday night, and that men were in Brenham. I got that from many friends. I went into town once and hurried back home, and I was in my office for a few minutes and Mr. Bryan came up in that back room and told me, "the men are here and they are coming in, and it is necessary for you to make your arrangements and you and your wife sign that deed immediately and go away." I agreed to do it, and signed the deed. I cannot remember, of course, all that occurred, only I knew the danger was great.

Q. Did you leave for any other reason than the one you have stated?—A. No, sir; I did not leave for any other reason. It was never my intention to leave Washington County.

Q. Had you committed any offense against the laws?—A. No, sir.

Q. Had there been any complaint made against you as a citizen?—A. None whatever.

Q. Do you know of any reason for this excitement and feeling and threats against you other than political?—A. That was all; it was all political.

Q. Did you take the \$1,150?—A. Yes, sir.

Q. And conveyed your homestead?—A. Yes, sir.

Q. And left?—A. Yes, sir; and left. The money was paid to my wife.

Q. What was the property worth?—A. The property was worth, I think, \$2,500, and I think I could have got that for it. I might not have got it all in money, but I know I could in trading around.

Q. Who bought it?—A. I think Mr. R. Hoffman; I do not remember. I was so excited at the time I looked at the deed, I cannot say.

Q. What was the general understanding there as to which ticket was elected in the county?—A. The Republican ticket; that was generally

known, and it was conceded on the evening of the election by Democrats as well as Republicans that the Republican ticket was elected by a large majority.

Q. You had something to do with this habeas corpus application, did you not?—A. Yes, sir; I took an active part in it.

Q. The theory on which that was asked was that if the examination had been had it would develop the names of the persons who had raided the ballot-boxes?—A. Yes, sir.

Q. And your claim is that those men were killed to obliterate their testimony?—A. Oh, there is no doubt of that. The day before these colored men were hung, Judge Kirk, Mr. Rodgers, Mr. Searcy, and nearly all the Democratic officials were in close consultation, not only in the court-house whispering, but they would come out on the streets, and seemed to be very excited. Mr. Fricke came to me in the evening and said, "There is mischief brewing. I can tell by the way these fellows are acting at the court-house there is some plot on hand, and," he says, "I am very fearful these freedmen in jail will be hung. They know that Breedlove has gone to see about getting the habeas corpus."

Q. You understand that the anxiety of Judge Kirk to induce these men to give bonds to secure their liberty, rather than to have an examination upon habeas corpus, was to prevent this examination and the disclosures which would be made there?—A. Oh, yes; there is no doubt in the world about that. If the truth was known, Judge Kirk and all the officials knew about the colored men, and I am satisfied of it as well as I can be about any fact I do not know. They were at the head of the whole thing.

Q. There were rumors there, were there not, of alleged or pretended negro uprisings?—A. Yes, sir.

Q. Was there, so far as you know, the slightest foundation for any such rumor?—A. No, sir; and no one else thought so. The Democrats knew it and the whole matter was gotten up to keep up the spirit of mob violence every time the excitement would die down. I put about three thousand copies of this circular all over the county, and that began to create a favorable reaction in our behalf, and then they would get up a report of a negro insurrection. There was never any negro insurrection in the county. They knew the advice we had given the colored people. We had told the colored people repeatedly during the canvass that in the event a fight was brought on between the Republicans and the white Democrats, they were to leave immediately and go home and take no part in it, and let the white Republicans and Democrats fight it out among themselves. We did not want the colored men to be mixed up in any row. We knew that the moment a colored man killed a white man it would furnish a pretext to bring on a negro massacre.

Q. Then there was no foundation for any such rumor?—A. No, sir; there was no more foundation for it than to suppose the negroes would create an insurrection here in Washington City, not a bit.

Q. What was Mr. Moore's business?—A. I believe he was carrying on a small farm.

Q. He was one of the Republican leaders?—A. Yes, sir.

Q. Did he leave at the same time you did?—A. He left afterwards, I understand. I held a long conversation with him afterwards. Mr. Bryan talked with me about Mr. Moore. He said that Mr. Moore had to leave too, and that they would arrange to buy him out to get him away from there.

Q. Who told you that?—A. Mr. Bryan, and I told Mr. Moore about it the next day.

Q. Mr. Bryan told you that Moore must leave also?—A. Yes, sir.

Q. And that they would arrange to buy him out?—A. Yes, sir.

Q. They did do that?—A. Yes, sir; so I understand. All this occurred after I left.

Q. You made speeches there during the campaign?—A. Yes, sir.

Q. You addressed white audiences as well as colored audiences?—A. Yes, sir; we had several mixed meetings.

Q. Did you make any speech during that campaign which was calculated or intended to create any race excitement or prejudice among the negroes against the whites?—A. No, sir; right to the contrary. All the speeches I made I think were calculated to bring about and keep up a spirit of good feeling between both races. I was as much interested as any white citizen in the county in seeing that done.

Q. You did not make any speech that could be fairly called an incendiary speech?—A. No, sir.

Q. Or any speech other than the ordinary Republican speeches in behalf of your party?—A. Judge Kirk may have called it an incendiary speech, because it was against him. We showed about the theft of the school fund and made it pretty plain that these stealings had occurred with his knowledge. That was about the most incendiary speech that we had made.

Q. That is the first we have heard about that. What is there about that; was it during Judge Kirk's administration?—A. Yes, sir.

Q. Is it possible? What was there of it?—A. We got a certificate of the county treasurer. I do not know whether Mr. Hoffman has it or not. We have the statement here. In the first place, Judge Kirk has charge of the free schools and issues vouchers to the school teachers. These vouchers are signed by him and have his seal of office placed on them, and then the teacher can go and draw his money. There were several forged vouchers found out by the county treasurer. Forged vouchers had been drawn on the county treasurer and had been paid by him, and Judge Kirk's name was signed to those vouchers, and so well signed that even the county treasurer himself believed it was Judge Kirk's genuine signature. The strange feature was that these forged vouchers had the county seal on them. We showed this, because we had a certificate from the county treasurer, and I told Judge Kirk at several of our meetings about it. He complained of the attack I was going to make on him. I told Judge Kirk that I was going to charge him with the responsibility for the theft of money from the school fund, and that he should defend himself the best he could. We charged that all the way through the canvass, and it is published in Mr. Schutze's paper, and I believe that is another reason why Judge Kirk and his friends were determined he should not go out of office. I should not be surprised if there was quite a large amount of the school fund missing. I think there has a great deal of fraud gone on. But we only know that there was a lot of money stolen by forged vouchers.

Q. How much altogether?—A. Three or four hundred dollars; I think that was all that he could get hold of.

By Mr. EVARTS:

Q. That was the topic insisted on?—A. Yes, sir; that was the only incendiary speech that was made. Judge Kirk got very angry several times, and I suppose he called it "incendiary." Well, during the whole canvass they had a certain lot of men, men who were charged with

murder and were under indictment for murder, who went around with them, and those men were armed.

By Mr. SPOONER :

Q. Who do you mean?—A. I mean Judge Kirk, Mr. Rodgers, and the Democrats.

Q. Were they at your meetings?—A. Yes, sir; they were at all our meetings with armed men.

Q. Attended your meetings, Republican meetings?—A. Yes, sir; they would come to our meetings and demand a division of the time.

Q. Who else beside Judge Kirk did that?—A. Judge Kirk and Mr. Rodgers were the leading men.

Q. And these armed men with them?—A. Yes, sir; these armed men were with them.

Q. How many such men?—A. I think they generally carried about six or seven with them.

Q. How did you know they were armed?—A. We saw the weapons.

Q. Revolvers?—A. Yes, sir; and six-shooters, some of them.

Q. What sort of men were they?—A. Some were white and some colored men; some were under indictment for murder. Mr. John Traylor was one. He did not attend all the meetings, but he attended the meetings held at Chapel Hill precinct. He was under indictment for murder. A colored man named Sloan was under indictment for murder in Washington precinct, and they had another man under indictment for murder, Mr. John Ewing. These men were completely in their power and were ready and willing to do their bidding. At one of the meetings at Cedar Hill one of our men drew a pistol on them and it broke up the meeting. There were a lot of Germans in the meeting, and they withdrew from the meeting and waited until Judge Kirk went away, and we called a meeting, after they had gone, outside of the house, and I made my talk to them there. And at Chapel Hill on another occasion I was informed that pistols were drawn on me while I was on the stand, and I know I was cursed by their bulldozers.

Q. You mean to say, then, there was something of intimidation among the Democratic leaders prior to election day?—A. Yes, sir.

Q. At Republican meetings?—A. Yes, sir.

Q. Did you divide the time with Judge Kirk at any of those meetings?—A. Yes, sir; we had it to do.

Q. That was compulsory?—A. Yes, sir.

Q. It was demanded?—A. Yes, sir.

Q. Did you make any of what are called negro-equality speeches?—A. No, sir.

Q. Did you hear any speeches of that kind made?—A. No, sir; there were none made by any of the Republicans. The nearest social-equality speech that I heard was made by Judge Kirk and Mr. Rodgers. They denounced Judge McFarland for dividing the races in his court-room. Judge Kirk boasted that in his court-room the whites and blacks all mixed up together, and there was no difference made between the races. He boasted that in all his speeches, or words to that effect. That was the nearest to a social-equality speech that I heard during the canvass, and I stated that openly in my circular of the 10th.

Q. The statements in that circular are true, so far as you know?—A. Yes, sir; so far as I know they are true.

Q. Was there any contest for the election?—A. No, sir; there was no chance of it; the danger was too great.

Q. But there was none, was there?—A. No, sir; there was none.

Q. Why not?—A. Because of the hanging of these three colored men and the running off of Republicans, and large numbers of colored people left the county that we would have had to use as witnesses. You understand that when a ballot-box is destroyed the only way we can prove how the vote is voted is to summon the voters. There are three or four hundred voters, colored, who have been run out of the county, and some of the white Republicans, and there was no way to contest it; they were afraid to contest it; it would be useless to attempt it.

Q. The votes of how many polling places in that county were not counted by the county canvassers of 1886?—A. Three were not counted at all.

Q. Which were not counted?—A. Those at Graball, Lotts' Store, and Flewellen.

Q. Those were all strong Republican polling places?—A. Yes, sir.

Q. And at one of them the polls were not open at all—A. No, sir.

Q. Which one was that?—A. That was at Chadwick's Gin.

Q. That was a strong Republican polling place?—A. Yes, sir.

Q. And now, in regard to the other place, Independence. They threw out the diamond-shaped tickets there?—A. Yes, sir; and at two polls in the Chapell Hil precinct—at Felder's Gin and in the town of Chapell Hil. There they threw out the diamond-shaped tickets.

Q. Were diamond-shaped tickets cast in other parts of the county by Republicans?—A. Yes, sir; it was the straight Republican ticket throughout the county.

Q. Were they thrown out all over the county?—A. No, sir; only at those three boxes.

Q. The canvassers counted the diamond-shaped tickets polled at Democratic precincts and only threw out the diamond-shaped tickets from these Republican polls?—A. Yes, sir.

Q. Who made up that board of county canvassers?—A. Judge Kirk and the county commissioners.

Q. Who were the county commissioners?—A. Mr. Felder was one, and Mr. Bolton, the father of the young man who was killed, was another.

Q. He was a candidate on the ticket?—A. Yes, sir; and there were two other commissioners.

Q. Were they Democrats or Republicans?—A. All Democrats.

Q. Was there a lawyer on that board except Judge Kirk?—A. I think not; I am sure there was no other lawyer but Judge Kirk.

Q. Is he a practicing lawyer in your community?—A. Yes, sir.

Q. How long has he been in practice?—A. I think ever since 1880.

Q. How long has Judge Kirk lived there?—A. I think he was born and raised in the county.

Q. Is there anything else you think of that is material to this inquiry as to which you have made no statement?—A. I went to Mr. Searcy, the chairman of the Democratic executive committee, a few days before these freedmen were hung, to ask him if we could not arrange to appoint a committee of Democrats and Republicans to examine into all of these matters that had occurred, and which had created this reign of terror and bad feeling in the county, and bring about a satisfactory settlement of the whole matter. He told me that it was impossible to do it; that the officers, Judge Kirk and Mr. Rodgers, were controlling the matter, and that all the officials were determined to hold the offices at all hazards, and there was no possible chance for us to bring about a compromise. He said he thought perhaps it would be the proper thing to do, that some kind of a settlement ought to be made, that the bad feel-

ing then existing ought to be remedied in some way, but he saw no chance to do anything; that Judge Kirk and Mr. Rodgers were controlling things and the officials were determined on holding the offices at all hazards.

By Mr. EVARTS :

Q. Who was this chairman you speak of?—A. It was Mr. W. W. Searcy, chairman of the Democratic executive committee of the county.

Q. Where was this conversation with Mr. Searcy?—A. We had this conversation in Mr. Olney's, the saddler's store; I called him in there.

Q. How soon after the hanging?—A. It was just prior to the hanging.

Q. How long before that?—A. It was perhaps two or three days prior to the hanging of these colored men.

Q. Now you may go on with any other subject.—A. I cannot think of any just now. The feeling was very bitter. There was danger, almost daily, from the time of the election up to the time I left, of a riot in Brenham. There was danger almost continually of Republicans being murdered, particularly the leading white Republicans, and I saw very clearly that if I remained there and attempted to make a fight it would drag a great many of my friends into it and it would bring about the murder of hundreds of Republicans, perhaps, before it was over with, and for that reason I left the county. I did not want to prolong this hopeless struggle when I felt satisfied that it would perhaps result in the murder of hundreds of men. I knew from the best information I could gather that they were well organized and that there were at least four hundred men concerned in the hanging of these freedmen. They were well-organized, well-armed, and well-disciplined men, and they were brave men, generally, I think, too. They were determined to suppress Republicanism in Washington County, and I knew they would do it if they had to murder half the Republicans of the county, and that is the reason I left; I did not want to subject the Republicans to murder any longer.

Q. During all your residence in this neighborhood are you aware of any part of your conduct as a citizen, as a member of that community, which led to your expulsion and the sacrifice you made of your property, except that you were a leading and active Republican, openly, in the discussion of political questions?—A. None at all; that was all. I had been an active and outspoken Republican ever since 1870—well, in fact, in 1867 I joined the Union League and helped to organize it.

By Mr. SPOONER :

Q. You said a little while ago, if I understood you, that Judge Kirk sought to create a disturbance on election day?—A. Yes, sir; he did his uttermost.

Q. And that it was reported on the streets on election day that the strong colored Republican precincts had given an unusually large Republican majority?—A. Yes, sir.

Q. And that suggestions were made that Judge Kirk would leave town, and was going down to Washington precinct?—A. That is what was generally believed when he got on his horse—

Q. Wait a moment—to start the Kuklux to raid the ballot-boxes?—A. Yes, sir.

Q. I asked you what time in the day you last saw Judge Kirk; I mean on election day.—A. I think it was just about sundown, perhaps a little before sundown.

Q. Where was he, and what was he doing?—A. He was on horseback. I think, perhaps, it was after sundown. He was riding down the

street with a friend of his, Mr. Boyd. Mr. Boyd was one of the bulldozers who helped them to canvass.

Q. Do you know where he was going?—A. It was supposed he was going down to the Washington precinct. He rode off in that direction.

Q. Which was 20 miles away by the way of Independence, if he went there?—A. Yes, sir.

Q. And 16 miles away if he went direct to Graball?—A. Yes, sir.

Q. Did you consult, when you saw him riding out of town, with any of the Republicans as to what should be done to counteract his supposed purpose?—A. Yes, sir.

Q. With whom did you consult?—A. I would not like to give the names of the colored men who came to me.

Mr. SPOONER. I do not ask you to give the names of the colored men.

The WITNESS. Mr. Jodon is here; I will give his name.

Q. Confine yourself to the white men.—A. Mr. Jodon is not considered a Republican; he is a prohibitionist. I went immediately and consulted with Mr. Jodon about what would be best to be done. I told him what some colored men who had talked to me said, and that I felt satisfied that Judge Kirk had gone down there to organize the Kuklux and destroy ballot-boxes. But Mr. Jodon and myself came to the conclusion that we could do nothing. I had no authority to follow and stop him, because I had no proof that he was going to do it, and if I followed him at night I might run in on the Kuklux and get murdered. So we had to take the chances.

Q. When did you next see Judge Kirk?—A. The next day.

Q. What time in the day was it?—A. Perhaps eight or nine o'clock in the morning.

Q. When was this vote canvassed at the county seat?—A. It was canvassed on the 8th of November, at night after the election.

Q. Was Mr. Boulton elected or defeated?—A. He was defeated by a large majority. There was one box they counted in Washington precinct, and they elected George Brown by throwing out all the diamond-shaped tickets in the Chapel Hill precinct, and they re-elected Mr. Felder and kept him in office. He was county commissioner, running on the county ticket. If the diamond-shaped tickets had been counted he would have been defeated like Judge Kirk.

Q. Would Judge Kirk have been defeated?—A. Yes sir; by at least five or six hundred majority.

Q. You mean if the entire Republican vote in your precinct had been counted?—A. I mean all over the county.

Q. But how was it in the precinct alone?—A. There were 288 votes only, I think, thrown out in that precinct, in the Chapel Hill precinct No. 2.

Q. I am talking about justice's precinct, No. 1. What I mean is that if the Republican votes at Lotts' post-office, Flewellen, and Graball, and the rejected diamond-shaped tickets at Independence and other points had all been counted for the Republican ticket, Judge Kirk would have been defeated?—A. Yes, sir; by at least 600 majority.

Q. You said something about Judge Kirk being a friend of Mr. Boulton?—A. Yes, sir.

Q. Upon what do you base that; had you known them both?—A. Yes, sir.

Q. I refer to the Mr. Boulton that was killed.—A. Yes, sir. Young Boulton's father was county commissioner and young Boulton himself was with Judge Kirk in the canvass, and when he would go down in the Washington precinct they were generally together and he attended

the meetings with him. The day before the election or two days before the election Mr. Boulton was there and had a long conversation with Judge Kirk.

Q. You have testified to that?—A. Yes, sir.

By Mr. PUGH:

Q. What offices in that election caused all this excitement and feeling that you have described?—A. Well, it was the determination of the Democratic officers to hold on to the offices.

Q. I do not know the names of the officers, but what offices excited this contest; over what offices was the contest held that caused all the feeling?—A. Well, it had been all the offices, with the exception of assessor of taxes, where Joe Hoffmann had the majority.

Q. Was it the probate judge's office, the clerk's office, or the county treasurer's office, or which was it; what office in that election that had to be filled was it that caused all this contest, this struggle?

Mr. SPOONER. He says all of them.

Mr. PUGH. Let him answer; I asked him what office caused it, any or all?

The WITNESS. All of them, with the exception of the county assessor's office.

Q. Each one of them now, you say, contributed and was the cause to the same degree, and to the same extent; or, what did you say on that subject; was there any difference in this contest over any of those offices?—A. Well, Judge Kirk was holding the county judge's office, Mr. Dever the sheriff's office, and Mr. Rodgers the county attorney's office, all three of them very important offices.

Q. And the struggle was over those offices mostly. What do you say about that?—A. I think that Judge Kirk and Mr. Rodgers perhaps were more determined than any of the balance of them to hold their offices at all hazards.

Q. It was the candidates for these offices and their friends that produced that state of feeling and this danger that alarmed you so much; it was the contest over those offices principally, over the office that Judge Kirk was filling and was seeking to fill longer; what do you say as to that?—A. Well, it was the determination of the Democrats to hold the offices and to suppress Republicanism in Washington County.

Q. That is not my question. I ask you if the contest was for the office of probate judge, sheriff, and county solicitor, or whatever offices had to be filled?—A. It was for all the offices except the county assessor's office, which was held by the regular Republican candidate, Mr. Hoffmann.

Q. The county judgeship, then, was that the most important office that had to be filled?—A. Perhaps that and the sheriff's office are the two most important offices of the county.

Q. The county judgeship and the sheriff's offices were the two most important offices to be filled by that election?—A. Yes, sir.

Q. And the contest over those offices produced this state of feeling in the county which you describe?—A. Yes, sir; the contest in the election.

Q. In the election of those offices? You can answer yes or no, or how it was as to that fact?—A. Well, it was an effort that was being made by the Republicans to get what belonged to them, and the determination of the Democrats to keep what did not belong to them.

Q. Do offices belong to anybody: how do you understand that?—A. I think the supreme court of Texas has made a decision that these

offices are personal property after a man is elected to them and has qualified.

Q. The offices belong to the men?—A. Yes, sir.

Mr. SPOONER. To the men who are elected; that is what he means.

Q. Then the contest was over that personal property?—A. Yes, sir; it was over the offices, and the political bearing, perhaps.

Q. You say it was over these county offices that you have named?—

A. Yes, sir; it was over the county offices and everything connected with the election at the canvass, and everything connected with the efforts being made by the Republicans to secure the offices to which they had been elected.

Q. And it was the county candidates who had this struggle that caused this state of feeling you describe? It was the county candidates and their canvass, I understand you to say—the county candidates and their contest—that caused this state of feeling you describe?—A. Well, they were at the head of it; they were at the head of the organization, perhaps, that conducted the canvass.

Q. Now, up to the time of the election there was no resort to violence?—A. No, sir.

Q. Up to the time of the election there were no notices given to Republicans to leave the county?—A. No, sir; the Democrats felt certain they would beat us without resorting to violence, I think; at least we were unmolested. But perhaps if the Republicans had resented the insults that we often received at these meetings, there would have been violence; but we took the insults, and went right straight along with our speeches. I believe there was some violence; I came very near forgetting that. On the day we held our Republican convention in Brenham some of Judge Kirk's colored friends came up there and raised a disturbance. They beat one or two colored men over their heads with six-shooters when they came down on the street, and one colored man was fined for carrying a six-shooter, and Judge Kirk very promptly paid his fine for him, so I was informed. There was violence then.

By Mr. EVARTS:

Q. What day was this?—A. That was on the day when we had our Republican convention. They tried to break it up and prevent us from nominating a ticket. They did that by sending armed colored men there to provoke difficulties. Pistols were drawn there in the convention room by those colored Democrats, and after the convention adjourned some of the colored men came on the streets and were brutally beaten over the head by Democratic freedmen with pistols, and one colored man was arrested by the city marshal, and Judge Kirk would not permit him to be examined on the charge of carrying a pistol on the streets by the city marshal, but took him back in his office, and I understood that Judge Kirk afterwards paid the fine of this negro in the mayor's court.

By Mr. PUGH:

Q. I have not been here during your examination, and am not able to cross-examine you in reference to what you testified before I came in. But I understood you to say that those colored men were hung because they were witnesses to prove who raided the ballot-boxes—I understood you to make that statement?—A. Yes, sir.

Q. That is an opinion of yours, is it?—A. Yes, sir.

Q. You do not state that on personal knowledge?—A. Well, from all the surrounding circumstances, I am satisfied that the opinion is correct.

Q. That is an opinion you formed from all the surrounding circumstances, and you think the opinion is correct?—A. Yes, sir.

Q. Now, I wish you would state upon what you base that opinion; what reason have you to suppose that those negroes who were hung knew of facts that would show who it was who raided those ballot-boxes?—A. I heard of some testimony that Alfred Jones, and, I believe, Shad Felder, gave the attorneys. Those men were hung, and I heard of that testimony, and then I heard of other testimony outside of that. I do not know whether it would be proper to tell that, as I have been subpoenaed to go before the Federal court at Austin.

Q. But you were subpoenaed to come here, too, were you not?—A. No, sir; I have not been subpoenaed to come here; I have been subpoenaed since I have been here.

Q. But you are swearing now as a witness in obedience to a subpoena?

Mr. SPOONER. Well, he has got here, no matter how he came.

Q. I want you to state upon what facts or upon what information you make the statement that these negroes knew who raided these ballot-boxes, or any of them.—A. They knew that Boulton was one of them.

Q. Boulton was dead?—A. Boulton was dead, but they knew that he was one of them, and I think they had a tolerably accurate knowledge about the others.

Q. Please state upon what facts you suppose they had that knowledge; I want to learn upon what you base your opinion that these witnesses did have knowledge such as you have mentioned?—A. You must take notice that in the investigation that would have occurred, if these colored men had been tried upon writs of habeas corpus, that not only these colored men themselves but a great many other witnesses would have been subpoenaed.

Q. I am asking you now about those who were hung.—A. I know; I understand the question perfectly.

Q. What information have you as to the knowledge of those negroes who were hung as to who raided these ballot-boxes?—A. I do not know whether it would be proper for me to say what I do know about that if I have to go before the court.

Q. You have already stated that those negroes were hung to destroy their evidence?—A. Yes; and to prevent other evidence which would have been obtained at that trial.

Q. Which would have disclosed who those people were who raided the ballot-boxes?—A. I believe that would have done it. That is my opinion.

Q. I want to get at the value of your opinion, and in order to do so, I would like to learn what is the foundation of your opinion, upon what facts and information it is based. Why do you think that those negroes knew who raided those ballot-boxes?—A. I understood at the time the shooting occurred, in the running of the men away from the place, that some of those colored men in running, perhaps, had run across some of the other men, or had heard cries from some of them and recognized some of their voices. I did understand that. I do not know how true it is, but from all the surrounding circumstances, I am satisfied that if the trial could have been had, that not only the testimony of these colored men themselves, but the testimony of other witnesses, could then have been obtained that could not perhaps be obtained now.

Q. Those other witnesses are still living?—A. Yes, sir.

Q. Were there any other negroes in the jail from which these three were taken that had the same knowledge that the three had?—A. No, sir; I think not.

Q. Why did you make that answer?—A. Well, those colored men who are out of jail now, they have never informed me that they knew any of the men who raided that box.

Q. Do you say that those who were hung informed you that they knew?—A. No, sir; I only heard that from the outside. I never saw those men after they were arrested, or after the occurrence at all.

Q. Did you ever see anybody who had talked to them and got any information as to who raided the ballot-boxes?—A. I do not remember now what information Mr. Jodon got; I am not sure that he got any information as to who raided the ballot-boxes. But there was information pointing to some certain parties that I cannot just now remember.

Q. I understood you to say that you thought there were some four hundred people connected with the hanging of these three negroes?—A. Yes, sir. I understood there was about seventy-five of them in the jail yard, and then all the streets were closely guarded; there were armed bodies of men over the different parts of the streets, watching. It was thought there were about three or four hundred connected with it perhaps. That is only merely conjecture. There were only seventy-five men, I understood, that were seen right in the jail yard; and when they got these men out, a whistle was given, and horsemen came and joined those who were at the jail. It is hard to tell, of course, how many men were actually concerned in it; but that is the supposition.

Q. You have no personal knowledge on the subject?—A. No, sir; I did not see any of the men at all.

Q. Have you any information which enables you to connect anybody with it?

The WITNESS. Do you mean with the hanging of the colored men?

Mr. PUGH. Yes. Have you any information which enables you to connect anybody with the raiding of the ballot-boxes?

A. Well, I cannot say that I have any personal knowledge of it.

Q. I do not mean that, but have you any information that you could give this committee that would put anybody on the track of those criminals who raided the ballot-boxes; have you any information which would enable anybody to get on their track and to arrest them?—A. I would like to ask the question right now, if it would be proper for me to give such information to this committee when I am subpoenaed to go before the Federal grand jury? Of course if I give this information it would put the parties on their guard, and I should not like to do it; I do not think it is proper.

Q. Have you any information that identifies any of those persons, the guilty persons? If you have any information, how long has it been in your possession; before you left the county or since?—A. I learned some before I left home, and some since.

Q. Have you ever communicated any information or knowledge you have which would identify anybody as being the guilty parties?—A. I think so. I wrote to Mr. Evans a letter which was turned over to Mr. Clebourne, the United States attorney for the western district of Texas.

Q. Did you give the names?—A. Yes, sir; I gave the names of men that I thought ought to go before the Federal grand jury, and that I thought would tell.

Q. Do you mean the names of the witnesses or the parties who were guilty?—A. Well, I think I gave him the name of one of the guilty parties too.

Q. Did you give him the names of witnesses?—A. Well, he was the witness I wanted him to use as the witness to turn State's evidence. I believe, if they had got him up there in time, he would have told the truth;

I do not know whether he would or not, but if he would not he surely would not do it for me. I think that information was conveyed to Mr. Ford too. I do not know how it leaked out, but he got the information that I had written to the United States district attorney about this matter. However, on the 18th of November I wrote an article to the Galveston News, in which I explained the troubles which were brewing in our county, and on the 26th of November following Mr. Ford wrote a very abusive article in reply to mine. He assumed the authorship of that letter, although I am satisfied, and others were satisfied, that he never wrote the letter at all, but he assumed the authorship of it. I do not know how it could have leaked out; I have no knowledge of how what I had written to Mr. Clebourne did leak out.

Q. Washington county is in a district made up of how many counties?—A. Three counties.

Q. That district judge is a Republican, is he?—A. Yes, sir.

Q. Does Washington County have a prosecuting officer?—A. Each county has a county attorney, and we have a district attorney.

Q. You have a district attorney?—A. Yes, sir.

Q. There is a county attorney and a district attorney?—A. Yes, sir.

Q. Did you ever communicate any information to the district attorney; first, is he a Republican or a Democrat?—A. He is a Democrat.

Q. And the judge is a Republican?—A. Yes, sir.

Q. Did you ever communicate with either of those officers as to any prosecution of those guilty parties?—A. We were expecting to have these colored people tried on these writs of habeas corpus, and when they were hung I had to leave so quick that we hadn't time to consult with any one.

Q. How long were those colored people in jail after the killing of Boulton?—A. They were in jail from the time they were arrested up to the time they were hung.

Q. They were hung about a month after the killing?—A. Yes, sir; about a month; just about, I think. I believe they were arrested on the 2d of November and were hung on the morning of the 2d of December.

Q. They were in jail there for a month and accessible as witnesses while they were in jail?—A. Well, on the 8th of November there had been an attempt made to hang them, or at least the sheriff, when he went down to Graball with an armed posse to suppress that so-called negro insurrection, he or his posse reported on their return that they met a body of armed men coming to Brenham for the purpose of hanging those negroes, and he persuaded them to turn back; he told them that one of the military companies was guarding the jail, and if they went up there and attempted to take the colored people they would be killed or somebody hurt, and he persuaded them to turn back. He knows the names of the men whom he met, and I suppose they were the same men who went back afterwards and hung them, although I do not know.

Q. For a month after these ballot-boxes were raided these men were in the jail there?—A. No, sir; they were sent to Houston.

Q. Well, they were in that county?—A. No, sir; they were sent to Houston.

Q. Well those negroes were alive for one month after those boxes were raided, were they?—A. I suppose so.

Q. Were any boxes ever raided in that county before the last election?—A. The Chapel Hill occurrence two years ago was, I believe, the first time the boxes were ever raided.

Q. The Chapel Hill boxes?—A. One of the Chapel Hill boxes.

Q. Was that raided two years ago?—A. Yes, sir

Q. How was it done; were any ballot-boxes destroyed?—A. I do not think they secured the ballot-box.

Mr. SPOONER. The testimony was that they shot a couple of colored men, officers of the polls, but they did not get the box; they hid under the table with the boxes and one of the men died from his wounds.

Q. You stated, I believe, that the impression prevailed that the Democrats were defeated and that the Republican candidates were elected?—A. Yes, sir.

Q. When did that knowledge reach Brenham?—A. It was generally believed on the evening of the election.

Q. At what time did that impression get out?—A. I think it began to become general after 2 o'clock in the evening.

Q. When do the polls close there?—A. About 6?

Q. About 6 in the evening, four hours after?—A. Yes, sir.

Q. You do not count until the polls close, do you?—A. No, sir. We judged by the colored people and our Republican voting that the diamond-shaped ticket was elected solidly.

Q. Do any of the colored people vote the People's ticket, as they call it?—A. Yes, sir.

Q. What is your estimate of the number?—A. It is very hard to tell. A great many, I think. I did estimate that there were, perhaps, about five hundred colored people in Brenham, and in other boxes near Brenham, and in other precincts, that may have voted it, but I expect I may have overestimated it from what I afterwards found out.

Q. There was a pretty large number of colored voters who voted against the Republican candidates?—A. No, sir; not a very large number, taking into connection the large colored vote there. I suppose seventeen or eighteen hundred voted the straight Republican ticket. I estimate that maybe five hundred voted against us—that is, not all the ticket, but it was scratched.

Q. Did any of the white Republicans vote against the county Republican candidates?—A. Yes, sir; I think there were a great many white Republicans who scratched the tickets.

Q. A great many white Republicans scratched the county Republican officers on the ticket for county offices?—A. Yes, sir; I think they did. The German Independent Republicans are very independent about voting.

Q. And they scratched the Republicans from their tickets for county offices?—A. Yes, sir; they will scratch both tickets and take their choice from men on both tickets—that is, a great many of them will.

Q. You have stated, I suppose, all the offices you had filled in that county?—A. Yes, sir.

Q. What office did you last fill in your county?—A. I was justice of the peace, and then I was deputy assessor two years ago under Mr. Hoffmann.

Q. Were you county judge?—A. I was presiding justice. It is really county judge so far as the county commissioners are concerned.

Q. Who succeeded you?—A. Judge McFarland, who is now our district judge.

Q. Were you ever indicted for any wrong doing in your office?—A. Yes, sir; for malfeasance.

Q. What office was that?—A. That was while I was presiding justice. We paid a colored man \$25 a month as janitor of the court-house, and they found indictments against all the commissioners for that.

Q. How many indictments were found against you, if more than one?
—A. Five or six I think were found against us.

Q. What were the others for?—A. Then on the road contracts they found a number of indictments against me and all the county commissioners.

Q. In giving road contracts?—A. Yes, sir.

Q. What was that for; how is that done? Do you let out the roads, the working of them, by contract?—A. Yes, sir.

Q. And the building of bridges by contract?—A. Yes, sir.

Q. With whom were those contracts made for which you were indicted?—A. They were made generally with Democrats, with white people, and, I believe, a few white Republicans got the contracts.

Q. Were any of the persons related to you?—A. No, sir; my father had none of the road contracts.

Q. Were any of the bridge contracts let out by you to any of your relatives?—A. There was no trouble over the bridge matters at all. I voted against all these road contracts that were let out, and my protest is on the minutes of the county commissioner's court to show that to-day—that I voted against the approval of every one of those road contracts.

Q. And you say there were five or six of those indictments?—A. Yes, sir.

Q. Was there any other wrongdoing in office for which you were indicted?—A. No, sir; I never did any wrongdoing in office at all. I forgot to state, too, that I was postmaster from 1876 to 1877 at Brenham.

Q. Were you indicted for anything you did while you were postmaster?—A. No, sir.

Q. Was there any indictment in the Federal court against you?—A. No, sir.

Q. None for opening a registered letter?—A. No, sir; no indictment was found. I had a trial before the Federal court, but there was no indictment found at all. It was done upon information filed by the district attorney. The case did not last long. Of course it was a malicious case; there was no truth in it.

Q. What became of it?—A. I was acquitted.

Q. Did it cost you anything?—A. Yes, sir.

Q. Did you ever pay anything except lawyer's fees?—A. No, sir; and I had only to pay a very small lawyer's fee, \$100. In regard to that we will have friends here who will explain it. I would rather it would be explained by others than by myself. The colored man who filed the complaint was an ignorant old man and did not know the gravity of the charge, nor did he understand it. He afterwards admitted to others that he was made and compelled to do it by some personal enemies of mine who induced him to file the charge against me. The district judge charged the jury and told the attorneys, as soon as the evidence was heard, that there was no evidence whatever, and expressed his surprise that such a case had been brought into court.

Q. Were you and Judge Kirk candidates against each other in 1882?
—A. Yes, sir.

Q. What for?—A. For justice of the peace.

Q. In that Brenham beat?—A. Yes, sir.

Q. What was the result?—A. I was defeated.

Q. By how many votes?—A. Two or three hundred, I think. I had tried to enforce the Sunday law and I lost the German vote on that account. I enforced the Sunday law, or tried to do it, and so angered the German Republicans.

Q. What was that Sunday law?—A. It required all bar-rooms to be kept closed on Sunday.

Q. I am requested to ask you if you ever received any money from those retailers not to present them for violating the law?—A. No, sir; not a cent in the world, and none was ever offered; no one thought of offering it. I never was offered any money in my life to do a wrong act. No man who ever knew me ever thought of offering me a cent of money for any such purpose.

Q. I understood you to say that telegrams were received from other boxes on the day of the election, giving information as to how the election was going?—A. Yes, sir.

Q. Did you see those telegrams?

Mr. SPOONER. He has testified that he did not.

A. No, sir; I never saw the telegrams.

Q. You just heard there were telegrams?—A. Yes, sir.

Q. Do you know who received them?—A. I do not know of my own personal knowledge.

Q. I mean from information?—A. Mr. Lewis, I think, was one who received a telegram from Graball, and I think Judge Kirk. I think there were telegrams passing between him and parties at Graball.

By Mr. SPOONER:

Q. What parties?—A. Mr. Boulton, who was killed, I understood. I understood there were telegrams passing between Judge Kirk and Mr. Boulton, and also that Mr. Searcy, up at Burton, received telegrams also from Graball, but I do not know how true that is.

By Mr. PUGH:

Q. Did it strike you as being very unusual for telegrams to be coming as to how the election was going on the day of the election?—A. I suppose they wanted to keep informed and know how the election was going. I never thought much of it until after the election and until the raiding of these ballot-boxes, and then I thought I understood the reason for the telegraphing; that they had these armed and masked men ready to raid these Republican ballot boxes in the event they had gone strongly Republican, and they were keeping each other informed.

Q. Now as to the strength of the Flewellen box where Boulton was killed. Had there been any count of the vote up to the time of the killing of Boulton?—A. I understood there had been some counting of the vote, but I was not there at all.

Q. Had there been any counting of the vote at Graball when the boxes were raided?—A. There had been some counting of the vote, I think. There have been witnesses examined on that who were there and who know about those matters. I do not know the number of votes which had been counted up to the time the ballot-boxes were destroyed. In regard to the Lotts' box I have talked with Mr. Spann, and I think he informed me that the Republicans had 123 majority at that box.

Q. These diamond-shaped tickets you say were voted all over the county by the Republicans?—A. Yes, sir; but I believe there was a little short white ticket brought out by the white Republicans. I do not remember whether they were voted or not. My impression is that the diamond-shaped ticket was pretty generally voted by the white as well as by the colored Republicans. The diamond-shaped ticket was gotten up for the purpose of preventing the illiterate colored people from being deceived or misled into voting other tickets. The Democrats got out a diamond-shaped ticket themselves on the day of the election in

Brenham, say about 11 or 12 o'clock; that was the first I saw of them. They had it headed "Republican ticket," and I believe they had the Republican State officers on and had all the Democratic county officers on the ticket. They could not get any of those voted. They did not deceive the colored people, because the paper was thinner than ours. Our diamond-shaped ticket was printed on stiff white paper, and could be easily identified from the other Democratic diamond-shaped ticket. But as our tickets were not distributed until after the polls opened, it took the Democrats a long time to counterfeit them.

Q. Were any bridge contracts let to your father while you were presiding justice?—A. Yes, sir; I think he got some bridge contracts.

Q. How many; do you remember?—A. No, sir; I do not.

Q. What became of those contracts; did he work under them?—A. Yes, sir; he worked under them and built satisfactory bridges. There was never but one, I believe, that was ever washed away, and that was not built by the county, but by private contract. He built what is conceded to be the best bridges ever built in the county up to that time, and he was the first man that had ever built a bridge over some of the streams there that did not wash away.

Q. Was there any evidence presented to the grand jury as to the character of those contracts?—A. No, sir; not any. It was only about the road contracts, and my protest stands upon the minutes of the court to-day showing that I voted and protested against the passage of any of those road contracts.

Q. That was in relation to the roads?—A. Yes, sir.

Q. And not in relation to the bridges?—A. No, sir.

By Mr. SPOONER:

Q. Did Judge Kirk receive the full Democratic vote on election day in Brenham, do you know?—A. I think he did—not the full vote, for there were a good many Democrats who voted against him or scratched their tickets.

Q. That is what I ask you; whether he received the full vote. Did he run behind his ticket, or receive the full vote?—A. I have forgotten, but my impression is that he ran behind his ticket.

Q. Is it not true that he ran behind his ticket at nearly every poll in Brenham?—A. Yes, sir; I think that is so, although I had forgotten it.

Q. The returns will show about that?—A. Yes, sir.

Q. Now, about these indictments. You were indicted, you say for opening a registered letter, or rather an information was filed against you?—A. Yes, sir; an information; there was no indictment.

Q. And you were tried for it in the Federal court?—A. Yes, sir.

Q. And the judge directed a verdict of not guilty?—A. Yes, sir; and there were no speeches made on it.

Q. You mean the case was not argued to the jury at all?—A. No, sir; and the judge expressed surprise that such a case was ever brought into court.

Q. And you were entirely innocent?—A. Yes, sir; nobody ever doubted that.

Q. You were also indicted in connection with the other county commissioners, for employing, in violation of law, a janitor?—A. Yes, sir. We gave him twenty-five dollars a month to take care of the courthouse.

Q. And it was claimed that was unauthorized by law, and you were indicted?—A. Yes, sir.

Q. You were tried. You were not asked whether you were acquitted or convicted, and I will ask you that?—A. We were all acquitted. Judge Kirk now has a colored janitor, and he pays him thirty-five dollars a month, with no more authority than we had.

Q. But you were tried and acquitted?—A. Yes, sir.

Q. Were you ever convicted of any offense?—A. No, sir; only for assault and battery.

Q. And in that case I suppose you were guilty?—A. Yes, sir; I plead guilty, and paid my fine.

Q. How were these contracts let; by a vote of the board?—A. Yes, sir.

Q. How many votes on the board?—A. There are 4 votes.

Q. Does the presiding judge vote?—A. Only in case of a tie. We let out these bridge contracts by advertising them.

Q. Did you vote on the bridge contracts?—A. No, sir; my father always puts in the lowest bids.

Q. They were let to the lowest bidder, were they?—A. Yes, sir.

Q. And awarded by the commissioners to your father as the lowest bidder?—A. Yes, sir.

Q. He was, in fact, the lowest bidder?—A. Yes, sir.

Q. Did he give security for the performance of the contracts?—A. Yes, sir.

Q. What action was taken by the commissioners when the bid was put in and accepted? Did they vote on accepting the bid of the lowest bidder?—A. Yes, sir.

Q. Was there ever a tie on that question?—A. No, sir.

Q. So that in no case in which bridge contracts were let to your father were you called upon or authorized to vote?—A. No, sir; I do not remember ever to have voted.

Q. You say you were not presented by the grand jury; they made no presentment involving these contracts at all?—A. No, sir.

Q. But they were carried out and settled for, as you understand?—A. Yes, sir.

Q. Now as to the road contracts; were they let to the lowest bidder?—A. Some were and some were not. The road overseer that we had, Mr. Hodgison, he let out some of them and just made his own contracts with them, and that is the reason we were all indicted, I suppose. Some of the bridge contracts were rather high and I entered my protest against the letting out of any of those road contracts, but it did no good, because they said I had signed the minutes of the court and I was guilty.

Q. And you signed the minutes of the court showing the transaction of that and other business?—A. Yes, sir; I went and consulted attorneys about signing the minutes, and they said there was no way except entering my protest first on the minutes of the court and then signing, which I did.

Q. Did those indictments amount to anything?—A. No, sir; I was tried on them and acquitted.

Q. Were you tried under them?—A. I think we were.

Q. Or were they quashed?—A. I don't remember. In one lot of indictments we were tried and in the other they were quashed.

Q. Do you mean quashed or *nolle prossed*?—A. No, sir; they were quashed.

Mr. PUGH. I understand they were quashed, being defective.

The WITNESS. The indictments that were quashed I forget about; Mr. Jodon or Mr. Schutze will remember on what ground they were

quashed. Those indictments on conviction only involved the losing of the office.

Q. You were not charged with receiving money or with fraud or corruption in any of those indictments?—A. No, sir; not at all. We were not charged with corruption, but only with mismanagement.

Q. Who were the men who were indicted with you?—A. Mr. Broesche, Mr. McCown, and Mr. Kezee, and some others.

Q. Have any of them been put in nomination for office in that county since that time by the Democrats?—A. Yes, sir; they ran Mr. Broesche once for the constitutional convention, and once for assessor on their ticket, and he was indicted with me in all these indictments.

The subcommittee then adjourned until Tuesday morning, February 22, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C.,
Tuesday, February 22, 1887.

The subcommittee met pursuant to adjournment at 10.30 o'clock a. m.

TESTIMONY OF LAFAYETTE KIRK.

LAFAYETTE KIRK, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. What is your name?—Answer. Lafayette Kirk.

Q. Where do you reside?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in Brenham since September, 1880.

Q. What is your business?—A. I am a lawyer by profession.

Q. What are you by practice?—A. I am a lawyer.

Q. Then you are a practicing lawyer?—A. Yes, sir.

Q. How long have you been engaged in practicing law?—A. I was admitted to the bar in the spring of 1881; I commenced practice in the fall of 1881.

Q. Do you hold any official position in Washington County?—A. Yes, sir; I am county judge of Washington County.

Q. How long have you been county judge of Washington County?—A. Since November, 1884.

Q. What is the jurisdiction of your court? What I want to get at is the principal functions which you discharge as county judge.—A. The county court has original jurisdiction of all controversies where the amount exceeds \$200 and does not exceed \$500; it has concurrent jurisdiction with the district court where the amount exceeds \$500 and does not exceed \$1,000; it has jurisdiction for final disposition of all criminal cases where the penalty involves a fine or imprisonment in the county jail.

Q. It has original jurisdiction to punish?—A. Yes, sir; and it has final jurisdiction of that class of cases.

Q. Do you mean that there is no appeal?—A. There is an appeal, but it finally disposes of the cases.

Q. What functions do you discharge in connection with the canvass of the vote?—A. I preside over all meetings of the commissioners' court, and one of the duties of the commissioners' court is to canvass the re

turn of the vote, and when that is done, it is the duty of the county judge, as such presiding officer, to issue certificates of election to parties who are declared elected as the result of the count.

Q. When did you first learn of the decision of the supreme court of the State of Texas as to the legality of diamond-shaped tickets?—A. I never read it until it was read here the other day.

Q. That is not an answer to my question.—A. I heard it discussed immediately after the late election in Washington County in 1886, when there was some talk of the contesting of the election.

Q. It had been for some months published, had it not, in your Texas supreme court reports?—A. Yes, sir; it had been published some time before the election.

Q. How long before the election?—A. I do not know; ten or twelve months, I presume.

Q. You are furnished by the State with a copy of the supreme court reports?—A. Yes, sir; I have a copy of the reports.

By Mr. EUSTIS:

Q. If it was rendered in 1885, it could not have been twelve months before?—A. I do not know how long it was before.

By Mr. SPOONER:

Q. You are furnished by the State with those reports?—A. Yes, sir.

Q. Do you wish it to be understood that you do not read the reports and familiarize yourself with the decisions of your State court?—A. I wish it to be understood that I never had any occasion to investigate the election law.

Q. It is a part of your business to preside at the canvassing of the election returns?—A. Yes, sir.

Q. And yet you did not consider it a matter of any interest to look up the decisions of your supreme court in regard to the election laws?—A. I had no right under the election laws to go into the polling places and see what was done in there.

Q. I repeat the question. You did not consider it a matter of any interest to look up the decision of your supreme court in regard to the election laws?—A. No, sir; I had studied the law before, and I was governed by that, and had no special occasion to read that decision.

Q. I did not ask you if you had any special reason to investigate it.—A. Well, I never had read it. I will state, in that connection, what my duties were in canvassing the votes.

Q. You may state it.—A. The presiding judges of the election at the different precincts make out a return, and in that return they indicate how many votes each candidate received, and I am governed entirely by that.

Q. Are not the ballots returned?—A. The ballots are counted and thrown in a box.

Q. Are not the original ballots returned in order that the county canvassers may decide whether they are to be counted or not?—A. They are not returned for that purpose. They are returned, as was done in this case, in order that if there should be a contest they could be there and could be opened by the district judge. That is the only court which has authority or right to try contested-election cases, and the only legal authority to open any election box at all or to examine any ticket.

Q. All the canvassing you do then is to canvass the vote as returned?—A. Yes; as returned by the presiding justices of the different

precincts of the election, who make no decision as to the legality or illegality of any vote cast at all. They are governed completely by the return of the presiding officer.

Q. Do you know whether the diamond-shaped tickets cast in any of the Democratic precincts were counted, and the Republican diamond-shaped tickets cast at Independence were cast out?—A. I do not know about that other than from hearsay.

Q. Were there any lawyers on that board except yourself?—A. I am the only lawyer on the commissioner's court; I am the only member of the board who is a lawyer.

Q. Did you give any advice on election day as to the validity of these diamond-shaped tickets?—A. I did not.

Q. How long had you been county judge?—A. I had been county judge for two years.

Q. How long had you known Dewees Boulton?—A. I had known him for a number of years.

Q. Intimately?—A. Not very intimately. He lived at a remote part of the county, and I would see him occasionally, perhaps two or three times a year.

Q. What was he in politics?—A. He was a Democrat.

Q. Was he active in politics?—A. No, sir; he was not active at all.

Q. He was pretty active in the campaign of 1886, was he not?—A. He was not active in the campaign of 1886.

Q. By active you mean that he did not make speeches?—A. He did not make speeches or attend meetings.

Q. Didn't he go with you to any meetings?—A. No, sir; he never went with me to a meeting during any canvass.

Q. Did you have any consultation with him in regard to the election right before the election?—A. I did not.

Q. Were you with him in Brenham the day before the election?—A. I met him in Searcy & Bryan's office. He came there to get the election tickets to take to the polls. I exchanged no words with him except a greeting.

Q. He came there the day before election to get the election tickets?—A. Yes, sir; and took them out there.

Q. Well, he came there to get them?—A. Yes, sir.

Q. And got them?—A. Yes, sir; he got them.

Q. And you met him?—A. Yes, sir; I met him.

Q. But you had no talk with him?—A. I had no conversation with him except to say how do you do; that is, perhaps, about all.

Q. You say that is about all; is it all?—A. It is all that I remember.

Q. Didn't you have considerable conversation with him that day as to what should be done the next day in the negro precincts?—A. I had no conversation with him whatever as to what should be done there the next day.

Q. Where were you on election day?—A. I was in Brenham the most of the day.

Q. What part of the day were you there?—A. I was there until 4 or 5 o'clock, I presume; I cannot remember definitely the time I left Brenham.

Q. You did leave Brenham?—A. I did leave Brenham; yes, sir.

Q. Did you leave Brenham before the polls closed?—A. Yes, sir.

Q. How long before the polls closed?—A. I suppose it was about an hour or an hour and a half.

Q. What report had you up to that time from the Washington precinct as to how it was going?—A. I had no definite report at all.

Q. I did not ask you that.—A. Well, I had heard, I think, some one had received a telegram there stating that it was mixed.

Q. Who had received that telegram?—A. I do not remember who had received it; I did not see the telegram.

Q. Is it not true that a report was received and that you heard it, that that precinct was giving an unusually large Republican majority?—A. It is not; it is not true; I did not hear any such report.

Q. What time did you leave Brenham, if you did leave there?—A. I left there, I think, about 5 o'clock in the afternoon.

Q. How did you go away?—A. I went on horseback.

Q. Where did you go?—A. To Chapel Hill.

Q. How far was that from Brenham?—A. About 10 miles.

Q. Where did you go from Chapel Hill?—A. To the Flewellen voting place.

Q. How far was that from Brenham?—A. I suppose about 14 or 15 miles.

Q. Where did you go then?—A. I came direct to Brenham.

Q. Did you go to Graball?—A. I did not.

Q. What business had you at the Chapel Hill polling place or at Flewellen?—A. I went there to see how the vote was going.

Q. That was a strong Republican precinct, was it not?—A. Well, sir, it has usually given a majority for the Republican candidates.

Q. Hadn't it always given a majority for the Republican candidates?—A. Not always, sir.

Q. Wasn't that the strong Republican precinct of that county?

The WITNESS. Do you mean Chapel Hill?

Mr. SPOONER. No; the Washington precinct.

A. No, sir; it was not the strongest; it was one of the strongest.

Q. That was in the colored belt?—A. Yes, sir; in the colored belt.

Q. Was your anxiety to know how the election was going confined to that colored and that Republican precinct?—A. I knew that that usually went more or less Republican, but it had been pretty thoroughly canvassed and I had many indications to lead me to believe that I would get a strong colored vote, and I wanted to see how it was panning out.

Q. Is there a telephonic communication between Brenham and this polling place?—A. With Chapel Hill there was; not with the others.

Q. You had rather ride 10 miles to find out how it was going than to ask at the telephone of some of your friends?—A. I wanted to go there and see.

Q. I want to know what you went there for?—A. There were several boxes in the county near Chapel Hill, and I wanted to find out how they were going. I did not go about any except to the town of Chapel Hill. I found parties who had been there and knew what the result was so far as the count had progressed.

Q. Did you inquire through the telephone at any time in the afternoon how the vote was going there?—A. No, sir; I did not.

Q. You could have ascertained by telephone, could you not?—A. I could not have ascertained with any degree of accuracy until the count commenced.

Q. You could not ascertain with much degree of accuracy until the count was completed?—A. Well, I could form a very correct idea, I thought.

Q. How long did you stay at the Chapel Hill polling place?—A. Until 9 o'clock or a little after.

Q. What time did you get there?—A. I left Brenham about 5 o'clock; that is my recollection, and I reckon it took me between an hour and a half and two hours to ride to Chapel Hill.

Q. And you staid there until 9 o'clock?—A. Until about 9 or half past 9.

Q. What time was the counting of the vote finished?—A. I do not remember; I did not stay there to see. They commenced to count at 6 o'clock.

Q. You didn't know much more then after you left than when you started, about the total vote?—A. I knew how the respective counties stood so far as the count had progressed, or about how they stood.

Q. Where did you first see Mr. Boulton that day?—A. The day of the election I did not see him at all.

Q. You say you did not go to Graball?—A. No, sir; I did not go to Graball.

Q. Who was with you on this trip?—A. A gentleman named Boyd went from Brenham to Chapel Hill with me.

Q. Where did he go then?—A. He went back to Brenham.

Q. Directly?—A. That is my information on the subject.

Q. Did you go back to Brenham until he had seen Boulton at your suggestion?—A. I never suggested to him to see Boulton.

Q. Do you know whether he did see Boulton before he went back to Brenham?—A. I was not with Mr. Boyd, but I do not think he did; in fact I know that he did not; that is, I know it from hearsay. He went from Chapel Hill to Brenham in company with Mr. Rodgers, who had been down there during the day.

Q. What was the strongest Republican precinct in the county?—A. Chapel Hill had been considered to be the strongest. I don't know that there was much difference between Chapel Hill precinct No. 2 and the Washington precinct No. 1, but Chapel Hill had usually given a more solid Republican vote than any precinct in the county.

Q. You went from Chapel Hill to Flewellen?—A. Yes, sir; I did.

Q. What time did you get to Flewellen?—A. I think about half past 10 o'clock.

Q. How far was Graball from Chapel Hill?—A. I suppose about 12 or 14 miles.

Q. How did it lie with reference to Flewellen?—A. Flewellen voting place was about half way distant between Chapel Hill and Brenham.

Q. What did you do at Flewellen?—A. I went into where they were canvassing the vote and looked at the tally list and made some inquiries there about the vote what the opinion of the officers was as to what would be the result there.

Q. Was there telephonic communication between Flewellen and Brenham?—A. There was not.

Q. Where was the nearest telephone?—A. Chapel Hill was the nearest point.

Q. So you preferred to go 15 or 16 miles, yes, 30 miles or thereabouts in the night, to get imperfect information before the vote was counted, rather than to trust the telephone, did you?—A. It was my only way of getting any information from the Flewellen box.

Q. You could have asked some friend at Chapel Hill, or sent down some friend?—A. I suppose so. I did not mind riding.

Q. Why didn't you ride out into some strong Democratic precinct where there were not any colored Republicans?—A. Because I didn't have any solicitude about how they were going.

Q. Did you send any telegrams on election day?—A. I had one telegram sent, I believe, to a man at the Graball box.

Q. Did you send any telegrams on election day?

The WITNESS. Did I send any?

Mr. SPOONER. Yes; did you send any?—A. I did send one, and then sent another or had it sent.

Q. Why didn't you answer that way when you first answered my question instead of saying that you had one sent. You know how many you sent on that day?—A. I had two sent. I sent one myself and had one sent.

Q. Why didn't you say so then?—A. I did say so.

Q. After awhile. How many telegrams did you send off on election day?—A. The two I refer to that related to the election.

Q. Who were they sent to?—A. I sent one near about 12 o'clock on election day to D. D. Boulton. I told him that I could not tell much about that time as to how the vote was going.

Q. Give me the language of your telegram?—A. As I best recollect, I told him things were mixed; that it was mixed there in the town of Brenham, and that the result was doubtful.

Q. What else did you say?—A. That is all I said; I think so.

Q. Don't you know that that is not all you said?—A. No, sir; I do not know that is not all I said.

Q. Then you have nothing but an opinion on the subject? I wish you would take the time to remember what you said in that telegram.—

A. The idea I intended to convey to Mr. Boulton was——

Q. No; I want your words, and we will try to get at the idea.—A. My best recollection is that I said things were mixed.

Q. What else?—A. That is all.

Q. Do you swear that is all?—A. That is my best recollection on the subject.

Q. Do you swear that is all?—A. I do not know. If I said anything else, I do not remember. I will swear to my best recollection that that was the contents of the telegram.

Q. Didn't you say something like this; didn't you send a telegram to Mr. Boulton in which you said "things look gloomy," or "look bad; do your work?"—A. I said things were doubtful. That was the idea to be conveyed.

Q. Answer the question. Didn't you telegraph to Mr. Boulton on election day that "things look gloomy" or "look bad; do your work?"—

A. I do not recollect any such expression as that in the telegram.

Q. That is not an answer to my question. You will be pretty likely to recollect it in view of what happened afterwards.—A. I think so.

Q. Did you or not send to Dewees Boulton on election day a telegram?—A. I didn't send a telegram to Dewees Boulton at all; it was to D. D. Boulton.

Q. Did you send a telegram to him?—A. Yes, sir.

Q. In which you said things looked gloomy or bad; do your work?—A. I think part of the contents of the telegram was that things were mixed, that things were doubtful. That is my best recollection of the telegram.

Q. What else?—A. That is all I remember, and I think that is all there was in the telegram.

Q. Did you or not send a telegram to Mr. Boulton saying things looked gloomy or looked bad or looked mixed (I don't care which); do your work?—A. I do not think I had any such expression as "do your

work" in the telegram. I just stated that things looked doubtful or mixed.

Q. May you have sent such a telegram?—A. I do not think I did.

Q. Is it a mere matter of opinion with you?—A. I am satisfied I did not.

Q. Are you willing to swear that you did not?—A. I do not undertake to say exactly what the contents of the telegram were.

Q. I want you to swear, if you can, whether you sent a telegram to Mr. Boulton on that day which was substantially like this: "Things look gloomy," or "things look bad," or "things look mixed; do your work."—A. I don't recollect sending any such telegram, and to the best of my recollection I never did send any such telegram.

Q. Do you recollect that you did not send any such telegram?—A. I do not think I did.

Q. Will you swear that you did not?—A. I gave you my best recollection as to the contents of the telegram.

Q. Will you swear that you did not send such a telegram?—A. I will not swear to anything on the subject except as to what my best recollection of the telegram was.

Q. Are you positive that you did not send to Mr. Boulton on election day a telegram in which you said, "things look bad," or "things look gloomy," or "things look mixed" (you may take your choice of those words); "do your work?"—A. I will give you my best recollection as to what the contents of it were, and I have done that.

Q. I want an answer to my question if I can get it. Are you positive that you did not send to Mr. Boulton on election day a telegram of that purport, "things look gloomy," or "things look bad," or "things look mixed; do your work?" Are you positive you did not send such a telegram?—A. I am not positive I did not send such a telegram, but my best recollection is that the contents of the telegram were that things were doubtful or mixed.

Q. Where was that telegram sent to?—A. To Courtney, which was the nearest telegraph office to Graball.

Q. Who was Mr. Boulton?—A. He was a candidate for county commissioner down there.

Q. Was he a Democrat?—A. Yes sir.

Q. He was the father of the young man who was killed that evening?—A. Yes sir; he was his father.

Q. When had you seen him last before election day?—A. On Monday before.

Q. The election was on Tuesday?—A. I think I had seen him Saturday before.

Q. The election was on Tuesday?—A. Yes sir; it was on Tuesday.

Q. And you had seen him there Saturday or Monday preceding the election?—A. I think it was the Saturday before; I am not certain about that, however. I had been down there to attend a political meeting that he was addressing.

Q. Are you at all mistaken about the hour at which you sent this telegram to Mr. Boulton?—A. My best recollection is that it was about the middle of the day; I could not be positive about that.

Q. Have you seen this telegram that you sent Mr. Boulton since that time?—A. I think not.

Q. What other telegram was it that you sent on that day?—A. I sent a telegram to a negro down there telling him that things looked bad, or some such thing.

Q. Give me the language of that telegram?—A. It was about the same purport; I do not remember the language of it.

Q. It was not a long one, was it?—A. No, sir.

Q. Just exercise your mind a little and see if you cannot remember that telegram?—A. Well sir, as best I recollect the telegram, the idea I intended to convey—

Q. I don't care about the idea; I want your words?—A. It was that the result was doubtful.

Q. What else?—A. That was all.

Q. Did you tell him to get in his work, too?—A. No, sir; I don't think I did.

Q. Don't you know whether you did or not?—A. I don't think I did.

Q. Are you willing to swear that you did not?—A. I will swear what my best impression is as to the contents of the telegram.

Q. Do you mean to say that if you sent a telegram on election day, followed by such outrages as were perpetrated in that county, and such excitement, in which you said to men things looked doubtful, or looked gloomy; do your work, that you could have forgotten your words?—A. I sent a number of telegrams.

Q. Do you mean to say that if you sent a telegram on election day, followed by the occurrences of that election day, in which you said to men things looked doubtful, or things looked gloomy; do your work, you could have forgotten it?—A. I don't think I sent any such telegrams.

Q. You are not willing to swear that you did not?—A. I swear to the best of my recollection that I did not.

Q. Do you or not remember whether you sent it?—A. I state from the best of my recollection the contents of the telegram.

Q. How many telegrams did you send that day?—A. I think I sent two, only two.

Q. And you sent several telephone messages?—A. I was telephoned to a number of times during the day.

Q. What messages passed by telephone?—A. They would telephone from the different boxes their impression as to how the thing was going and what the result would be. I know of telephonic communications coming sometimes to me and sometimes to others that I would get the benefit of.

Q. What was their purport?—A. It would depend on where they came from.

Q. I am talking about the Republican precincts out there where the ballot-boxes were raided?—A. I got no information from down there.

Q. Would you like to have it known or have the committee know what was in those telegrams that you sent to Mr. Boulton?—A. I would not object, if you have got them.

Q. You would not object?—A. No sir.

Q. Have you an objection to writing a note to the Western Union Telegraph Company, asking them to send to you the telegrams that you wrote that day, or sending them to the committee? [Handing a writing-pad to the witness.]—A. I think the committee could write that note.

Q. You are not so anxious to have those telegrams brought before the committee as might appear?—A. Well, I don't feel called upon to do it.

Q. Do you decline to do it?—A. Yes, sir; I decline to do it.

Mr. EUSTIS. I should advise the witness to decline.

The WITNESS. I think the committee has process that they can send.

Mr. SPOONER. We can take care of that branch of the case. I want to get at your willingness to aid us if we need your assistance in getting them.

Q. What time did you go home that night?—A. About half-after twelve or one o'clock, I think.

Q. Did you leave Flewellen before the box was raided?—A. I did; I only remained there a short time and came direct to Brenham.

Q. What did you call one of the officers out for; was it at Flewellen that you called the presiding judge out and had a talk with him?—A. I did not take him out of the room.

Q. But you called him to one side and had a whispered conversation with him?—A. Yes, sir.

Q. What were you talking about?—A. I asked him what he thought the colored people had voted that day; what he thought would be the result, if he could form any idea from the way the ballots were deposited.

Q. What did he tell you?—A. Well, he said that the Republicans had a majority there.

Q. How large a majority?—A. He said he thought there had been a good deal of scratching there by the colored people, but they would give a considerable majority; he said he thought they had done a good deal of scratching there that day, but they would give a majority for the Republican ticket; that was his best impression about it, being one of the judges and seeing the ballots deposited.

Q. Have you ever seen the tally list of the Lotts' post-office polls?—A. Yes, sir; I have.

Q. Where did you get it?—A. The presiding judge brought it up and returned it to the county clerk.

Q. The presiding judge?—A. Yes, sir.

Q. What was his name?—A. Ben Awbrey.

Q. That was Lotts' post-office?—A. No, sir; I thought you meant Graball. No; I never saw anything from Lotts' post-office at all.

Q. The votes cast at Lotts' post-office were not counted?—A. No, sir.

Q. The votes at Flewellen, the polling place where the judge told you a Republican majority was cast, were not counted?—A. No, sir; they were not counted.

Q. And the votes cast at Graball were not counted?—A. No, sir.

Q. At what other polling places were the votes not counted?—A. Those were the only polling places. The judges at Independence box had strung the diamond-shaped tickets, as their return showed, and had not counted them one way or the other. They had just inclosed them in the ballot-box on a string without counting; that is my recollection of what their return showed from there, and two boxes in the Chapel Hill precinct were done in the same way.

Q. Do you know of any Democratic precincts in the county at which the ballot-boxes were raided?—A. No, sir; I do not.

Q. Were there any Democratic precincts in the county the ballots cast at which were thrown out and not counted?—A. Independence had usually been a Democratic precinct.

Q. They did not throw out anything there but the Republican ballots?—A. No, sir; only the diamond-shaped tickets.

Q. That was the straight Republican ticket cast all over the county?—A. That was the Republican ticket.

Q. Cast all over the county?—A. I suppose so.

Q. But those tickets were counted in the Democratic precincts?—A

Wherever the judges saw fit to count them they did so, and where they saw fit to throw them out they did so.

Q. By what majority were you counted in as county judge?—A. I was counted in as county judge by a majority of 582.

By Mr. EUSTIS:

Q. You do not mean you were "counted in" in the Republican sense?—A. I suppose that is what Mr. Spooner means. We canvassed the returns and according to what the returns showed I was elected by a majority of 582. It has been designated as being counted in here by some of the witnesses. In regard to that I will say that I just took the returns and estimated the votes for whom cast, according to what the returns showed, and issued certificates accordingly, to Republicans or Democrats.

By Mr. SPOONER:

Q. When did you first hear that Boulton was shot?—A. Not until some time, I believe, about ten or eleven o'clock on the third of November.

Q. That was the day after the election?—A. Yes, sir; the day after the election.

Q. You attended both of those indignation meetings?—A. Yes, sir; I was up there; we never held but one.

Q. When did you hold that one?—A. I think on the fifth of November.

Q. That was the meeting held at Eldredge hall?—A. Yes, sir; it was at Eldredge hall.

Q. Did you make a motion in that meeting?—A. I did not.

Q. Did you offer a resolution in that meeting?—A. I did not.

Q. You did not?—A. No, sir; I did not.

Q. Did you make a speech?—A. I made a speech.

Q. Did you advocate the expulsion from the county within a given time of Messrs. Hackworth, Moore, and Schutze?—A. I will state in that connection that I went to the meeting—

Q. I know you went there, or you would not have made a speech there.—A. I will state it in my own way, if you please.

Q. Perhaps you will answer my question?

Mr. EUSTIS. Answer his question first.

Q. Did you make a speech at that meeting?—A. I did.

Q. In which you advocated the expulsion from the county within a given time of Hackworth, Moore, Schutze, and other leading Republicans of the county?—A. I said upon certain conditions; that I thought they ought to be notified to stop pursuing a certain course or to leave the county.

Mr. EUSTIS. Now go on and state what you wanted to.

The WITNESS. I will state that I attended that meeting, and there was a good deal of feeling there. Several gentlemen spoke in the meeting, and some of them persuaded me to do so. I had been called on three or four times by the crowd which had assembled there. They called on me for a speech, and I think I responded to the third call.

Q. The third and last call?—A. Yes, sir; the third and last. I got up and made a speech, and said the course pursued by certain gentlemen during the canvass—the methods they had resorted to and the character of their canvass—had been such as to arouse the passions and prejudice of the negroes of the county, and to array them against the white people of the county. I also stated that I had been recently notified that one gentleman had said that they thought the time had

come to enforce their rights at the muzzle of the shotgun, and I understood that he had so advised the negroes, and I said if that was the case I thought a committee ought to be appointed to wait on him and other gentlemen who were acting with him and tell them that they had either to stop or leave the county.

Q. Who did you name as the men who ought to be compelled to leave the county?—A. Some gentleman in the audience called on me to name them, and I proceeded then to do so. I named Stephen A. Hackworth (the first signer of this memorial), I named J. L. Moore, I named O. B. Potter, I named A. W. Gilder, and I named Ed Lockitt.

Q. Who else?—A. About that time Dr. Tristram, a German who was in the audience, said, "Don't leave out Schutze," and I included him.

Q. You named about all the leading Republicans there—I mean the active leading canvassing Republicans?—A. No, sir; I did not.

Q. Whom did you leave out?—A. I left out quite a number.

Q. I mean the men who were leading active Republicans who made speeches and promoted in the canvass the success of the Republican cause?—A. There were fifteen or twenty or perhaps twenty-five others, who had been perhaps just as active in the canvass and made as many speeches, that I did not mention.

Q. These men had begun to talk about contesting your election?—A. I do not know that I had heard anything about their contesting my election—yes, I believe I had. There was a talk of a contest shortly after the election, and I reckon perhaps by that time they had begun to talk about it.

Q. Arousing the negroes in what way? Had the negroes been aroused?—A. It seems that they had; they killed Boulton on the night of the election, and it was generally understood that was done by them in accordance with the advice of Lockitt and Gilder.

Q. And it was generally understood, too, that the ballot-box was stolen from that polls with all the ballots?—A. No, sir; nothing of the kind was understood.

Q. You knew at the time this meeting was held that the ballot-box at Flewellen had been stolen?—A. No, sir.

Q. You knew that it had been taken forcibly from the polls?—A. No, sir; I do not know it yet.

Mr. EUSTIS. There has not been a particle of evidence of that.

The WITNESS. I can tell you what my information was on the subject.

Q. You knew that the polls had been raided?—A. I knew that Boulton had been killed, and so far as I could ascertain from all the information I could gather, that they found next morning, when they went there and held an inquest, the ballot-boxes, ballots, and tally-sheets scattered all around.

Q. You knew that at Graball the ballot-box had been taken?—A. Yes, sir; I knew that.

Q. And the count interrupted?—A. I knew that after the count had progressed to about 221 votes the box was taken.

Q. You knew that while the count was being made it was interrupted and the ballot-box taken?—A. I understood so.

Q. You knew, too, that the men bearing the ballot-box from Lott's store to the county seat had been stopped and the ballot-box taken from them?—A. Yes, sir.

Q. Did it occur to you in this law-and-order speech of yours to condemn those performances?—A. Well, sir, I didn't say anything about it.

Q. You confined yourself altogether to the character of the Republican canvass?—A. I alluded to that in my speech and to what I had heard.

Q. But you cannot remember hearing any condemnation in that meeting of the outrages on the ballot-boxes?—A. The speeches most generally which were spoken there were advocating the observance of law——

Q. Will you kindly answer my question?—A. I do not know that that was specifically mentioned.

Q. Do you remember hearing any condemnation expressed of the assaults on Republican ballot-boxes?—A. I do not remember that I did.

Q. Don't you remember that you did not?—A. My best recollection is that I did not hear that mentioned specifically.

Q. Will you name the fifteen or twenty white Republicans who had made speeches during that canvass?—A. I did not say white Republicans. I think we have got some negroes just as capable of leading as those gentlemen.

Q. You know more about their situation. Your answer suggests something. My question was not all I intended it to be. I will ask you if the men you named at that meeting were not, with one or two exceptions, all of the leading white Republicans in the county?—A. They were the ones who had made speeches.

Q. They were the active leading Republicans of the county, were they not?—A. Yes, sir. Well, there were others who had been active also.

Q. These were no more active than the rest?—A. They had been in that particular canvass.

Q. Had they not generally been?—A. No, sir; they had not.

Q. Were they not known generally in that county as Republican leaders of the county?—A. No, sir. They were numbered among the Republican leaders, but there were others, though. That is, some of them were reputed as Republican leaders, and some of the ones I mentioned were not supposed to exert influence to any considerable extent.

Q. Do you remember those eight negroes being arrested?—A. Yes, sir; I remember that.

Q. Did you commit them to jail?—A. I sent them to the Harris County jail; I issued a commitment to the sheriff of Harris County.

Q. Did you, in that commitment, provide that they should be let out on bail of \$500?—A. I did.

Q. They were accused of murder, were they not?—A. That was the complaint made against them.

Q. Is it customary down there, without examination, to admit men accused of murder to \$500 bail?—A. No, sir; not without examination.

Q. Why did you do it in this case?—A. I had made an examination.

Q. Where had you made an examination?—A. I had taken the testimony at the inquest.

Q. When I speak of the examination you know I do not mean that kind of an examination?—A. I had held no regular examination trial.

Q. Do you mean to say that you made a private examination, the court, or the county judge, of private papers, and acted upon inquiries held in that neighborhood?—A. No, sir; I had held no regular examination.

Q. How did you happen to commit these men to jail on the charge of murder and without there having been any preliminary examination, and provide in the commitment that they might be admitted to \$500 bail?—A. I was going to state. I had examined this testimony; I had

taken it and read it and I saw nothing in there to render their cases unbai able, and acting on that testimony I fixed the bail at \$500, as is done in many cases.

Q. You knew they were arrested under warrants for murder?—A. Yes, sir; I knew they had been charged with that.

Q. You knew that applications for habeas corpus were being prepared or pending?—A. No, sir; I did not.

Q. You did not know, of course, that they were going to be hanged?—A. I did not.

Q. And I suppose you do not know who hung them?—A. No, sir; I do not know who hung them.

Q. Do you know of any efforts having been made to find the men who hung them?—A. Yes, sir; I do.

Q. Was any reward offered for the apprehension of the men who hung them?—A. None that I know of. The county attorney and the justice of the peace of the Brenham precinct were both together and conducted the inquest; they took down the testimony of all the witnesses.

Q. They had to do that according to law?—A. Yes, sir; it is the business and duty of the justice to hold an inquest. They had an examination of the witnesses that they thought could shed any light upon the subject.

Q. How do you know what they thought?—A. Well, I talked with the county attorney about it and the justice of the peace, and it was generally understood that they devoted one day to the investigation and adjourned the inquest proceedings for three or four days. The object of the adjournment in the mean time was to see if they could get any additional testimony, or ascertain any witnesses who knew anything that would develop who did the hanging or who were implicated in it, or anything that would be the basis of a complaint or charge against any person or persons.

Q. Were any other steps taken that you are aware of to discover the men who hanged these three colored men?—A. No, sir; no other steps.

Q. Except the holding of the inquest?—A. That is all that has ever been done that I know of.

Q. Have you heard of any steps being taken to discover and arrest the men who raided the ballot-boxes?—A. I will state in that connection that the grand jury, which is the proper tribunal——

Q. Please answer the question whether any steps have been taken to that end?—A. I do not know of any.

Q. Were any rewards offered for their apprehension?—A. I do not know of any rewards that were offered. I will state in connection with that examination to ascertain as to whether anybody tried to find out who was guilty of the hanging of the negroes, that our law makes it the business of the magistrate who holds the inquest over anybody who has come to death by murder or supposed murder to see if anything is developed and if so to issue a warrant for the arrest of the parties.

Q. That is, your law makes it the duty?—A. That is the statutory provision on that subject.

Q. You have a coroner in your county?—A. No, sir; we have no coroner.

Q. No such officer known to your law?—A. No, sir. Any magistrate, from the supreme judge of our courts down to a magistrate, can hold an inquest.

Q. You have no coroner?—A. No regular coroner.

Q. By law it is made the duty of the magistrate who acts as coroner

to do what?—A. If they find anything pointing to anybody, it is their business at once to issue a warrant and have the parties arrested.

Q. How many tally lists are kept at each of the polls?—A. Three tally lists are kept at each poll.

Q. How are they disposed of under the law?—A. One is given to the county judge, one to the county clerk, and one kept by the presiding officer.

Q. How many of these tally-sheets at the polls where these outrages occurred came to the county canvassers?—A. There was never any one came in except a part of one from Graball.

Q. Who brought that one in?—A. Ben Awbrey, the presiding judge.

Q. Was there one at Lotts' post-office?—A. There was none there; I never saw anything from there.

Q. You speak of Lotts' post-office, do you not?—A. No, sir; I understood you to be inquiring about the Graball box.

Q. Then the only tally-sheet that you know of at those polls is the uncompleted partial tally-sheet at Graball?—A. There was a tally-sheet brought from Graball, and all it showed was the standing of the respective candidates up to the time that the count stopped. I think 221 votes out of 347 had been counted at the time this raid was made on the box, and the tally-sheet showing that was brought in.

Q. I believe you say you have no information as to who raided those boxes?—A. I have none at all.

Q. You consider it a pretty serious thing not to allow a man, white or black, a citizen of the United States, to live where he chooses, do you not?—A. Yes, sir; I do.

Q. What had these men done that they should be driven from Washington County, and no longer permitted to live there in that community?—A. I do not think any of them were driven from the county.

Q. What had they done that they should be compelled to cease doing under penalty of exile?—A. As I say, I considered their course and conduct in the canvass—

Q. What course and what conduct?—A. The character of speeches they made.

Q. What character of speeches?—A. Speeches calculated to arouse the prejudices and passions of the negroes.

Q. In what way did they do that?—A. By appeals to their prejudices and passions, and by lies and falsehoods.

Q. The lies they were telling about you was the principal thing that aggravated you?—A. It did provoke me a great deal.

Q. Tell us some speech that any one of these men made, and what it was that caused their being put to that alternative to either stop making Republican speeches of that kind or leave the county?—A. It was not so much the speeches they would make as the applause and countenance they would give to speeches made by negroes.

Q. What have you in mind now?—A. On one occasion there was a negro, a Republican canvasser, and in the course of his remarks he appealed to his colored friends, and he said "You cannot eat with the white people, you cannot sleep with the Democrats, you cannot associate with them, and what do you want to vote for them for?" And these gentlemen, whenever they were present, when such expressions were made use of, would become convulsed with laughter and would applaud vociferously.

Q. Your idea was that they must be prohibited from becoming convulsed with laughter when they found something to laugh at, or leave

the county?—A. The reason that induced me to make the statement was——

Q. I want to get at the offenses these men had committed. One you say is that they became convulsed with laughter when some negro said that they could not eat or sleep with Democrats. That negro did not lie much, did he?—A. He was exactly right so far as that was concerned; but I do not think that was a Republican speech which ought to be made.

Q. You do not hold the party or its leaders responsible for everything that a man would say?—A. I do, when their laughter induces them to say it; when by their conduct and actions, by their applause or otherwise, they encourage it.

Q. Who applauded?—A. At this particular time one of the memorialists, Jim Moore, was present.

Q. Did he laugh, snicker, snort, or what?—A. He was very vociferous in his applause, indicating his approval of what the negro said.

Q. The negro said that no negro could sleep with a white Democrat, and Mr. Moore applauded that, and you consider that a mortal offense for which he should be compelled to leave the county?—A. No, sir; I do not consider that so bad as some others.

Q. What else?—A. When I went into that meeting, I had just been informed that Mr. Potter had said that he was in favor of going in with the negroes and resorting to the shot-gun policy to enforce their rights.

Q. Had Mr. Potter said anything?—A. I had been so notified and informed, and acted on that information.

Q. How long had you known Potter?—A. Ever since I had been in town.

Q. He is a pretty good neighbor, is he not?—A. So far as I knew. I didn't know much about him except in this canvass.

Q. He had been a pretty good neighbor, on general principles?—A. He had, so far as I know. I had nothing to do with him, much.

Q. Would you drive a man out of the county on what some fellow said, without making proper inquiry about it?—A. I said, in the event he had said it in his speech.

Q. Did you hear him say any such thing?—A. Never.

Q. Why did he recommend them to adopt the shotgun policy?—A. To enforce their rights, I suppose.

Q. That is, if the white Democrats raided the ballot-boxes that they ought to be shot?—A. I do not know what he had in his mind.

Q. Don't you think it would have been a good idea to have found out what he said before undertaking to punish him?—A. I do. The gentleman who informed me said he was making statements of that character, that he was in favor of arming them.

Q. That was after the election that he was so reported?—A. Yes, sir.

Q. Is it not true that you were told that Mr. Potter justified the shooting, when it was necessary, of men who raided the ballot-boxes?—A. I was not told that; I was just told about a conversation in which he said he was in favor of arming the negroes and resorting to the shot-gun policy.

Q. Had not that rumor been traced up, and had not Mr. Potter made a denial of it?—A. Not at that time, it had not.

Q. What else was there; what other crime had these men committed?—A. Some of them were notoriously bad characters there.

Q. Bad, in what way?—A. They had no standing socially or otherwise.

Q. That is, you mean with Democrats they had not?—A. With Democrats or Republicans or respectable Republicans.

Q. Were they driven out on that account?—A. I think their leaving the county was due to the fact that they had played completely out there. They had no social standing or financial credit, and no means of support, except——

Q. You were not proposing to any public meeting to drive poor devils out because they had no financial standing or credit?—A. No, sir. What caused me to make that remark was it came on the heels of the news of the killing of Boulton. My advice was that he had been killed by negroes who had been advised to go there to the ballot-boxes, and were acting under the advice of Gilder and Lockitt; and following that, I heard that Mr. Potter had made this statement, that he was in favor of arming himself and acting on the shotgun policy and enforcing his rights, and in the course of my remarks at that meeting I said I was in favor of notifying them that such things must be stopped or they must leave the county.

Q. You would not drive them all out because Potter made that remark?—A. I put that language more because they had acted with him during the canvass.

Q. You put them all in one indictment and one sentence?—A. I put Mr. Potter, Mr. Hackworth, Moore, Gilder, and Lockitt all in one. I did not consider Schutze worthy of any particular attention or consideration. I included him, too, but it was done at the suggestion of a German there who thought he ought to be included as he was one of the same stripe. I did not consider him worthy to be included.

Q. These men had lived there a good while?—A. Yes; Mr. Hackworth had been born and raised there, according to my understanding.

Q. There had been no public meeting or proposition to drive them out prior to the election?—A. None that I knew of.

Q. Nothing was said against them at this meeting except in connection with their partisanship?—A. I said that——

Q. Answer my question. The complaints made against them at this meeting were entirely because of their action during the campaign and their partisanship?—A. Not at all to their partisanship.

Q. Well, to their action during the campaign?—A. Yes, sir; to their action during the campaign, and the advice they had given the negroes.

Q. What advice had they given the negroes?—A. It was generally understood——

Q. Who generally understood it?—A. It was common rumor. I do not know where it originated. It was the common talk among the negroes and white people, and I had heard a number of negroes condemn the killing of Boulton, and say that the negroes would not have done it if they had not been advised to by those two white men. And I thought after they had killed Boulton there at that ballot-box, acting under the advice of Gilder and Lockitt, and this supposed statement made by Mr. Potter, although I understood afterwards that he disclaimed it—anyhow, I was acting on that impression, and I made my statement that in the event they had done it the time had come when they should either be compelled to desist or leave there.

Q. Was there any uprising or arming of the negroes?—A. It was generally so reported.

Q. But I am talking about the fact.—A. I never saw any uprising of the negroes.

Q. And you do not know of any uprising of the negroes?—A. I do not know of any uprising.

Q. And you do not know of any threats among the negroes of an uprising, do you?—A. No, sir; I do not.

Q. Did you hear any threats made against these men?

The WITNESS. Which men?

Mr. SPOONER. These men, Lockitt, Moore, and Hackworth, who were driven out from there.

A. I never heard any threats against these gentlemen here. I heard some threats against Lockitt and Gilder.

Q. How many men were there at that meeting?—A. I suppose about one hundred or one hundred and fifty.

Q. Were they armed?—A. They were not armed then.

Q. They were armed when they came into town, were they not?—A. They brought some fire-arms with them; some were not armed.

Q. Do you remember seeing any Republicans at that meeting?—A. There were quite a number of very influential Republicans at the meeting.

Q. Will you please name some of them?—A. Henry Hodde was one.

Q. He presided over the meeting, did he not?—A. I don't know whether he did or not.

Q. He supported the People's ticket?—A. Yes, sir; he supported the People's ticket. He is a merchant there—one of our leading merchants.

Q. But he acted with the Democrats at that election?—A. He acted with the People.

Q. The Democrats supported the People's ticket?—A. You assume that he acted with the Democrats. I say that he did not act with the Democrats.

Q. He did not act with the Republicans?—A. He did not support the Republican ticket.

Q. What business have you to say that that was a People's ticket? It was a ticket the Democrats supported.—A. I have this business to say it, because it is a fact that it was brought out and supported by Republicans and Democrats, and was a Republican and Democratic ticket.

Q. There was a straight Republican ticket in the field?—A. Yes; there was a Republican ticket, but they announced such Republicans as candidates as some of them could not tolerate or stomach.

Q. But there was a straight Republican ticket in the field?—A. Yes, sir.

Q. And opposed to it was this People's ticket, as you call it?—A. Yes, sir; there was the People's ticket.

Q. Those were the only tickets in the field except the prohibition ticket?—A. There was no prohibition ticket for the local offices.

Q. Then those were the only tickets in the field?—A. Yes, sir; there were two tickets, the Republican ticket and the People's ticket.

Q. What other specific offenses had these men committed in the campaign? One of them had laughed and applauded these colored men, and the other was reported to have said something that he denied saying. Now what else was there of which you complain?—A. They have detailed some of my social equality speeches, and I will explain about that matter. In our district court there, all these men, I think every one of them, I cannot remember which one, but they appealed to the negroes and said, "There is Dever, the Democratic sheriff, who has divided the district court room, and made the negroes sit on one side and the white people on the other, and you see how the white men treat you. There are no negroes on the jury;" and they said the same thing about the county court. The fact was that Judge McFarland, who was the Republican district judge, had made the order, which I considered

a proper one, but in order to meet these sort of appeals which did arouse race prejudice in the negroes, I told them that no such thing had been done; that Dever did not divide the county court room, but that Judge McFarland did divide it. And they would make the statement, all of them, that the negroes had no representative on the People's ticket as elected, and were not permitted to sit on juries, and that their wives, when they had business to transact at the court room, were not treated with respect, but were allowed to stand in the cold and shiver, and that they could not get near the stove, all of which was absolutely false.

Q. Who did you hear make such a speech as that?—A. Mr. Hackworth, and a number of the negro speakers made similar speeches.

Q. And in reply to that, you showed that the negroes all sat around with the white people in your court?—A. I said in reply to that, that Mr. Dever did not make any order dividing the county-court room, and did not divide the district-court room.

Q. And that in your court there was no such division?—A. Yes, sir; and I denied the charges that the negroes had no representation. That was calculated, I considered, to arouse the negroes and array them against the whites. They said they had no representation anywhere, and that they were not permitted to sit on juries, while the fact was that as many of them had sat on the jury under that administration as in any former administration. I had examined the records to see what proportion of negro jurors we had.

Q. Those are the incendiary speeches you refer to?—A. Yes, sir; and those were some of the things stated at the public meetings that we held. They would try to prevent anybody going up, and Mr. Hackworth and Mr. Potter would make charges against me of a personal character, which were without any foundation in truth or in fact, and then they would try to prevail on their chairman of the meeting not to permit me to answer the charges or represent my candidacy or do anything of the kind.

Q. They were not your meetings, were they?—A. They were public meetings.

Q. They were Republican meetings, were they not?—A. No, sir; they were meetings generally.

Q. Were they not meetings called by Republican speakers?—A. They were called by negroes.

Q. Were they not Republican meetings called by Republicans?—A. Well, the majority of those who attended them were Republicans.

Q. Were they not Republican meetings in contradistinction to Democratic meetings?—A. I suppose you would call them that.

Q. You know what a Republican meeting is, a meeting called by the Republican local organization.—A. I will tell you how the meetings were gotten up. They would go out in the country in the evening, and they would get the negroes together and elect a chairman, and then they would address them, and they have done that during the last two canvasses.

Q. What other crimes did these men commit, that you thought worthy of punishment?—A. No other that I know of.

Q. You have given, then, the head and front of their offending, have you?—A. I stated in the outset, what caused me to make the statement I did in the citizens' meeting. If you want that repeated, I can repeat it.

Q. How is that?—A. I say I can repeat what caused me to make the statement about their punishment, as I did in the citizens' meeting. I

was never in favor of their being made to leave after that; after I found out that Mr. Potter disclaimed this statement I never said anything about his leaving or any of the rest of them leaving.

Q. You remember pretty distinctly what was said in these various speeches made?—A. I can remember some of the things.

Q. You have a pretty good memory, have you not?—A. Another thing; they would tell the negroes that they would be put back in bondage if the Democrats got back in power, and all that sort of folderol.

Q. And tell them, I suppose, that Abe Lincoln was their friend, and that the Republican party had been their friend always?—A. Yes; they did that.

Q. Wasn't that incendiary?—A. No, sir; I do not think so.

Q. That is funny. What else do you remember?—A. I remember the meetings they had in camp there near Brenham, in what is called Camp Town, a portion of the town where the negroes resided. They had a number of meetings down there, and I had known on several occasions two or three negroes to go down there with shotguns and Winchesters, and had endeavored, and successfully, to keep me—sometimes successfully—to keep me or anybody else from replying to the charges that Mr. Hackworth and his cohorts were making against me or men on our ticket.

By Mr. TELLER:

Q. They prevented you from addressing the Republican meetings; that is the plain English of it?—A. Well, they were colored meetings.

Q. They were Republican meetings, were they not; you know whether they were or not?—A. They were called by Republican negroes.

Q. They were called by Republicans, to have Republican speakers address them?—A. Yes, sir.

Q. And they declined to allow you to address them?—A. Yes; and they declined to allow the Republican speakers to address them, if they wanted to defend any men not on the Republican ticket.

By Mr. SPOONER:

Q. That was nothing against you?—A. No, sir; but I do not think they had any right to get up and make false charges and not allow me to disprove them.

Q. That was not so much a matter of race or color as it was a matter between you and those men?—A. They would try to get the negroes to prevent my speaking, and under their advice they would prevent it.

Q. Who gave that advice?—A. Mr. Hackworth.

Q. Do you remember hearing Mr. Hackworth advise any meeting not to allow you to speak?—A. Yes, sir; he tried to do that all through the canvass.

Q. Where?—A. At every meeting that was held in Camp Town.

Q. You would come there and demand a hearing?—A. I would.

Q. Why didn't you call your own meeting after they had gone, and have a Democratic meeting and speeches?—A. Because I proposed to meet those very things.

Q. Had you a right to force yourself on a Republican meeting against the will of the people present?—A. I think I had a right to speak in any public meeting that was called for the discussion of the Republican candidates.

Q. Do you understand that when a Republican meeting is called you have a right to go there and speak?—A. If it was strictly a Republican meeting I do not know that I would. These meetings were called for the purpose of public discussion.

Q. These meetings were not called for the purpose of public discussion in that sense, but for the purpose of hearing Republican speakers denounce the Democratic candidates?—A. I was always invited to those meetings by the negroes, almost universally invited there by the negroes.

Q. By Republican negroes?—A. You do not find anything else but Republican negroes, or at least I haven't, down in our section.

Q. But they cannot always safely vote for the Republican ticket and have it counted?—A. Well, they did say that at this last election.

Q. Did Mr. Potter ask you at any point to stay at any meeting?—A. I do not remember anything of the kind.

Q. Did Mr. Hackworth tell you in advance of the charges he proposed to make against you in the campaign?—A. No, sir.

Q. You are sure of that?—A. No, sir.

Q. Did he before he made the speeches?—A. No, sir; and the first I heard of them was on the stump.

Q. Do you remember all that he said at any meeting on the stump?—A. No, sir; I could not undertake to repeat any of his speeches.

Q. Did you attend a Republican meeting at which you insisted that nobody should speak unless you were permitted to speak?—A. I got up on the same stump he was on, and I told him if he made those charges and would not permit me to answer or reply to them, that the meeting would have to adjourn, even if I staid there a week.

Q. Did it adjourn?—A. He took the band away with him——

Q. And the band carried all the meeting with it?—A. No, sir; it left a considerable number of them there, and I staid there and addressed them—made a speech to them.

Q. Now, we have gone through this thing with some detail, and it has undoubtedly refreshed your recollection somewhat as to what happened about that time. Is your memory by this time any more definite as to the two telegrams you sent on election day?—A. I have told you all I recollect about the telegrams.

Q. And all you intend to recollect about them?—A. All I do recollect.

By Mr. TELLER:

Q. When you call a Democratic meeting down there do you expect Republican speakers to attend?—A. Well, sir, if we call a Democratic convention or anything of that sort, we don't.

Q. But my question is, when you call a Democratic meeting?—A. We have not called any Democratic meeting in the last four years; we have not had any Democratic county or local organization.

Q. When you call a Democratic or People's candidate meeting, do you expect Republican speakers to attend?—A. Yes, sir, we do; and they did attend, and spoke to them invariably.

Q. Where they were supporting the ticket?—A. The candidates on the Republican ticket went to every meeting that I know of, met and spoke so there.

Q. How did they go, by invitation?—A. Yes, sir; by invitation. Invitations were general in the white settlements. The Germans got up repeated and frequent meetings at Berlin, Burton, and Purham's store, and Long Point, and the candidates went together and addressed those meetings.

Q. That is, by arrangement?—A. No arrangement. The meeting would be made known and every candidate who felt disposed to go

would go. Mr. Hackworth, however, did not attend any of the white meetings.

Q. Do you know where Boulton's voting place was, the man who was killed?—A. I think at Graball.

Q. He did not vote down there at the place where he was killed?—A. I do not think he did, but I am not positive.

Q. How far is that from the place where he was killed?—A. About six miles.

Q. When you made this speech you knew he had been killed?—A. Yes, sir; I knew he had been killed.

Q. You were not present at the inquest held over his body?—A. No, sir; I was not.

Q. Had you heard the facts?—A. I had heard the facts; I heard of the testimony taken before the inquest, or rather read it, and talked with the deputy sheriff there who had summoned the witnesses and who took these parties to jail, and the constable, I had talked with them all, and got all the information from any and every source I could as to how it transpired and all about it, and was in possession of all the facts I could gather.

Q. Then you knew it was testified at that inquest that he came in there and held his pistol in his hand when he came in?—A. I knew that one of the witnesses had testified to that fact.

Q. And that other witnesses had testified that he was disguised?—A. I do not know of any witnesses testifying to that, and I do not think but one ever did tell that until they got here before this investigating committee.

Q. But one did, you say?—A. Yes, sir; one did. I do not remember the testimony.

Q. Did you ever hear it disputed that he had on a rubber coat, an oil-cloth coat?—A. I never heard it disputed that he had on one of those yellow rain coats, commonly known as "slickers" in our section.

Q. And you knew it was not a rainy night?—A. Those coats were generally universally worn by the people in the country.

Q. Was it a rainy night?—A. It was not a very rainy night.

Q. No, it was not raining at all.—A. It was not raining, but it was a right cool night.

Q. Mr. Potter's evidence was that he said if those ballot-boxes were to be raided in this way (that is, this was the substance of it) that he was willing to join the negroes in defending the ballot-boxes?—A. I never heard him say anything about ballot-boxes.

Q. It had reference to this outrage on the ballot-boxes?—A. I do not know what it had reference to. I heard that he had been talking and saying that he would secure his rights.

Q. To secure his rights; what rights did he refer to?—A. I do not know what rights he referred to.

Q. Wasn't it the right to vote, and to have his vote counted?—A. Yes, sir; and that right he already had.

Q. He did not have it if he voted at that box?—A. Well, he didn't vote at that box.

Q. All the white men and negroes who did vote there lost their ballots?—A. They did.

Q. What do you think would be the result in any Democratic precinct in that county if three or four negroes, disguised, should rush in and attempt to get hold of the ballot-box?—A. Well, sir, I expect if there was anybody armed there they would be killed.

Q. Of course they would. Don't you think they ought to be killed?—

A. No, sir; I don't think anybody ought to be allowed to take the law into their own hands.

Mr. TELLER. Out in my section every man would justify such an act.

The WITNESS. They might out there, but they wouldn't do it in Texas.

Mr. TELLER. But we do not steal any ballot-boxes in Colorado.

Mr. EUSTIS. You are all white people there.

The WITNESS. They do it up in some of those sections where the voters are nearly all white. They steal them and stuff them and unlock them.

Mr. TELLER. They do not do it in my country. But it would be certain death to any fellow who would attempt to steal a ballot-box, and I think it ought to be in any community.

Mr. EUSTIS. What do you think of stealing the Presidency? Do you think a man ought to be killed who steals that?

Mr. TELLER. I think that is quite as bad. I am not certain that that was not done at the last election. (Laughter.)

By Mr. SPOONER:

Q. If the Western Union Telegraph Company should object to producing those telegrams of yours, do you consent to their production?—

A. I have got nothing to do with the Western Union Telegraph Company.

Q. But I ask you, have you any objection to the production of those telegrams?—A. No, sir; I have not.

Q. You say you have not?—A. No, sir; I have not. If they choose to give them up of their own accord I do not object, but I do not propose to advise them about it.

Q. I ask you if you object to it? Have you consented that they should be delivered to the committee?—A. I have got no objection to anything that the Western Union Telegraph Company does, so far as it does not interfere with any of my personal rights.

Q. But do you consent to the production, by the telegraph company, of those telegrams, if they should otherwise object?—A. If they put it on the basis that I object it will be time enough then to answer that.

By Mr. EUSTIS:

Q. You do not consent, then?—A. No, sir; I do not consent.

Q. When was this People's ticket first formed?—A. It was in the fall or summer of 1884.

Q. Up to that time there had been a regular Democratic ticket?—A. Yes, sir; there had been a regular Democratic ticket.

Q. Now just explain to the committee what the original formation of that ticket was, and why it was formed and how it was formed; the reasons why it was formed?

The WITNESS. You want to know why it was and how it was?

Mr. EUSTIS. Yes.

A. Ever since the days of reconstruction our taxes had been exorbitantly high, and we had had a set of officials upon us who had mismanaged our local affairs. Notwithstanding the high taxes and the collection of those taxes, we had nothing in the way of public improvements that we could see, and nothing to show for the expenditure of the public money. Our county had no credit. Our scrip varied from forty to sixty or seventy cents on the dollar, or has all along. There had been defalcations and malfeasance in office a number of times. The tax collector of our county had got away with a considerable amount of money, it was never ascertained how much.

Q. How much do you suppose?—A. I do not know, but several thousand dollars.

Q. Was it over twenty thousand dollars?—A. It was variously estimated at from fifteen to twenty-five thousand dollars. There were quite a number of indictments found against him, but they were quashed by the district judge.

Q. Who was the district judge?—A. I. B. McFarland.

Q. Was he a Republican?—A. Yes, sir; he was a Republican judge. During the pendency of these indictments about the only record evidence that could have accurately shown how much he was a defaulter for was destroyed. A fire from some cause originated in the tax collector's office right where those stubs and records were, and they were burned up, and it was never known how much he was a defaulter for. After the indictments were quashed he had some sort of a settlement with the commissioners' court, and secured the county for the amount which the commissioners' court said was due upon settlement. I do not remember how much that was. That had been the course of matters there in the county. In the spring or summer of 1884—I think it was about June—the tax collector had defaulted for twenty-four thousand and some odd dollars.

Q. He was a Republican?—A. Yes, sir; he was a Republican; and the people seemed to think that the question presented to them was, that they had either to sell out their property at a sacrifice and leave the county, or eliminate politics from local affairs and get people to elect honest men in their places. A great many of our best citizens—

Mr. SPOONER. Including yourself?

The WITNESS. I didn't have anything to do with it. I was a young lawyer, and didn't have much property to pay taxes upon.

Q. I understood you to say that the condition of affairs had been very deplorable under Republican administration.—A. Yes, sir.

Q. And the taxes had been very high?—A. Yes, sir; very high.

Q. And the credit of the county, notwithstanding the large collections of money, was very low?—A. Yes, sir; it had been.

Q. How low was it?—A. I think it got down to forty cents on the dollar at one time, and fluctuated from that to seventy-five cents on the dollar.

Q. You also said that no improvements had been made.—A. No, sir; no improvements in the way of bridges or any other character of public improvements. They built a little jail there which cost the county \$40,000, when the real cost ought to have been about \$5,000 or \$6,000.

Q. And that was the reason why this People's ticket was formed?—A. That was the reason; the tax-payers saw how things were going.

Q. Do you mean tax-payers irrespective of party?—A. Yes, sir. Prominent Republicans, white Republicans and negro Republicans, all allied themselves with each other and acted together.

Q. On account of that condition of affairs?—A. Yes, sir, and eliminated politics from the canvass.

Q. In order to put in a Democratic reform administration?—A. Yes, sir; or to put in a people's administration, a set of men who would run the county in the interest of the people and in the interest of the county.

Q. And that ticket was elected in 1884?—A. Yes, sir; it was elected in 1884.

Q. The only disturbance at that election had been at Chapel Hill?—A. Yes, sir; somebody raided the ballot-box there; nobody ever knew who it was; and two of the judges were shot. But they did not get

the ballot-box. The ballots were counted, brought in, and properly returned.

Q. The vote was counted at Chapel Hill?—A. Yes, sir; and a People's ticket was elected, with a majority of from 500 to 800.

Q. How was that ticket formed in 1886?—A. In 1884 they had a meeting. There were a number of the leading citizens of the county, both Republicans and Democrats, who issued a call for the citizens, stating as the object of the meeting that it was to meet together and put out a ticket irrespective of politics. They had a meeting on the 30th of August, 1884. After they got together they had a very large meeting, an unusually large meeting, and people manifested great interest in the matter. They then appointed a subcommittee to go out and select candidates for the various offices. This subcommittee, I believe, was constituted or composed of three or four men from each precinct in the county, and they suggested the names of the men for the various county offices, and reported them to the meeting as a whole, and the action of this subcommittee was ratified, and the ticket was put into the field in that way.

Q. I will ask you if the People's ticket could have been elected in 1884 unless a large number of Republicans, black and white, had voted for it?—A. No, sir; I think not. On a strict party vote the Republicans are in the majority in the county.

Mr. SPOONER. And you might have included in your count that a lot of men who did not vote for it had been counted out.

The WITNESS. There were no votes counted out in 1884 at all.

Mr. SPOONER. I am not talking about 1884, but about 1886.

The WITNESS. I was not talking about 1886, but about 1884.

Mr. SPOONER. I beg pardon.

Q. In 1886 how was that ticket formed?—A. The citizens of the county—I do not know who originated the movement—got up a call, and they wrote out a heading in which they stated that they called on the incumbents of the county offices and asked them that they again become candidates irrespective of party or politics, and that was signed by citizens from all the different parts of the county, I think between 700 and 800 in number.

Q. You say 800 citizens signed that call?—A. Yes, sir.

Q. Irrespective of party?—A. Yes, sir; irrespective of party or color.

Q. And the ticket was formed in response to that call?—A. Yes, sir. They all accepted except Joe Hoffmann, who, for reasons assigned satisfactory to himself, did not do so.

Q. Were there any Republicans on that ticket?—A. Yes, sir; there were Republicans on that ticket.

Q. Had these disturbances anything to do whatever, so far as you know or heard, with the election of a member of Congress?—A. Not at all; it would not have affected his election.

Q. Who was the candidate for Congress in that district?—A. Roger Q. Mills was the Democratic candidate, and a man named Rankin was the Fusion candidate. I would hardly know how to designate him. He was a Prohibitionist and a Greenbacker, and he got all the anti-Democratic votes in the district.

Q. Was he nominated by the Republican convention?—A. No, sir; he was not nominated. I do not think there was any Republican nominee at all. This man Rankin, however, ran for Congress.

Q. What was Mr. Mills' majority in his district?—A. Six or seven thousand. If they had counted out all the votes in Washington County it would not have affected the result as to him.

Q. There was a negro preacher here who testified that he voted for you and advised his people to vote for you. What is his name?—A. His name is A. G. Scott. A great many of the negroes in that county did the same thing. When they could get a chance to speak they advocated my claims, especially the school teachers and the more educated among the negroes.

Q. How do you account for that?—A. I will give their own reasons. Those people take more interest in their school matters than in any other branch of the local government, and they said they had had the best school system they had ever had since they had free schools, and for that reason they wanted to see me re-elected.

Q. That was under your administration?—A. Yes, sir. That is what the teachers of the county universally said; that they got their money more promptly than ever before, and got their vouchers cashed.

Q. Have you heard of any animosity on the part of the negroes toward yourself?—A. No, sir; I have not.

Q. Have you cultivated friendly relations with them?—A. I have done so.

Q. Officially and personally?—A. Officially and personally. In every race that I have run (which is the best criterion) I have always got a large negro vote and have always had large numbers of negroes in the various sections of the county who have advocated me, from justice of the peace up to the position I now hold.

Q. Haven't these white Republicans been very bitter against you and tried to prejudice the negroes against you?—A. Yes, sir; they have. I was the first man who ever split up the Republican vote. I will state in that connection that I was one of the first men, the first of the Democrats, who ever went to those meetings and met them in discussion, and as soon as I did it why the negroes began to change their opinions, a great many of them.

Q. Do you know how many negro votes you got in 1884?—A. I think I got seven or eight hundred votes, and I think I got equally as many in 1886.

Q. Don't you think that the scheme of these white Republican leaders during this last canvass was to counteract what had taken place in 1884, to prevent the negroes from voting for you?—A. Yes, sir; I think that was their object. It was a desperate struggle.

Q. And that they felt in 1884 they had lost control of the negroes?—A. Yes, sir; that they had lost control, and, so far as my knowledge of their methods of electioneering is concerned, they were bitterer and resorted to more questionable methods than they had ever done before. In fact, I have heard Republicans say—I heard Dick Harven, I heard of his saying it—I didn't hear him say it myself, but there is a gentleman here who heard him say that he heard one speech made by Jim Moore, in Watersville, and he said he did not see how, if that was the character of the speeches Moore had been making during the canvass, it could be tolerated at all; that he never heard a speech from a Republican or a Democrat that was as severe, as bitter, or as groundless.

Q. I understand, then, that the object of the People's ticket was to divide the colored vote?—A. Yes, sir; that was the object.

Q. And by that means to secure good government?—A. Yes; good local government.

Q. As well for the negroes as for white people?—A. Yes, sir; in the interest of the citizens of the county, without any regard to race, color, or condition.

By Mr. SPOONER :

Q. Were there not any honest men on the other ticket? Did you ever know any honest men on the Republican ticket?—A. I will say that there were a number of very good men on the Republican ticket who did not resort to any of these methods, and they are now there pursuing their avocations without being disturbed at all. William Ehlert, who ran for tax-collector, is still there and never has been molested, although he went around and canvassed the county. C. C. Bryan, the candidate for county clerk, had attended these meetings and made speeches——

Q. But he had not accused you of anything?—A. No, sir.

Q. And that was the reason why his speech was so eminently satisfactory to the Democratic party?—A. Well, that may be your construction of it, sir.

By Mr. EUSTIS :

Q. How do you explain the strong prejudice existing against these principal white Republican leaders?—A. It was because they had resorted to these methods to control the negroes.

Q. By that you mean to say they had tried to unite the colored against the white vote?—A. Yes, sir; they tried to unite the colored vote and tried to ostracise many of the negroes. Those who stuck to the Republican ticket tried to ostracise every negro who had the independence to come out and support anything in opposition to it. The negroes tried to church some of them and have them put out of their private secret organizations, so I have been told by negroes there, and it was done by the advice and through the advocacy of these men. In preparing to put out their ticket, as I am told by the negroes, they would not let any of them into the organization—I mean those who wanted to support me—they would not let them participate in the meetings, but excluded them; and when they got them up there, I was informed by negroes and by white men too, they would swear them to stick to the ticket and party, and make them take an oath to do it; and not only that, but they made all the negro school teachers, thirty-five or forty in number, who were advocating me in the various school districts of the county on account of what they said was my good school administration, and they were supporting me—several of them came to me and told me that they not only wanted to swear them to support the ticket and make war on the trustees who supported me, but the trustees tried to make them not employ any teacher who was friendly to me and who did not stick to the straight Republican ticket. I thought those were not Republican methods, and that they were calculated to arouse race prejudice. Some of their own men—Tom Lockitt, a life-long Republican who ran for county treasurer on this same ticket, is there to-day, and I have myself heard him say that they tried to scare him to stick to the ticket. But he told them he was a better Republican than any of them, and he would not do anything of the sort; that that was not Republicanism, and that he did not have to swear allegiance to be a Republican.

Q. You mean to say that from what you heard the negroes say these white leaders tried to intimidate the colored voters to keep them from voting the People's ticket?—A. Yes, sir; they did, and they would bring that social influence to bear on them among the other negroes. The majority of the negroes did support the Republican ticket, and as they were in the majority they would simply ostracise, socially, any negro

who wanted to vote for me or any man on the People's ticket or any ticket except the Republican ticket.

By Mr. SPOONER:

Q. You do not claim that was to excite any prejudice on the part of the negroes against the whites?—A. I thought they were methods which ought not to be resorted to, which were not justified, and ought to be condemned.

Q. You condemn that more than you condemn the stealing of the ballot-boxes?—A. I condemn the stealing of the ballot-boxes, and I condemn lawlessness in any form.

Q. You did not condemn it when you had a first-rate chance to do so at that meeting?—A. That was not the purpose of that meeting, but we were condemning lawlessness right then, and I was condemning it in my speech, one form of it.

By Mr. EUSTIS:

Q. When you canvass the votes—your county commissioners' court, I mean—you merely tally with the tally-sheets?—A. We merely tally with the returns—the tally-sheet and returns of the officers.

Q. You have nothing to do with the ballots themselves?—A. We simply preserve them. The county clerk preserves them. The law prohibits any examination of the ballots at all until twelve months after the election. Our statutory law prohibits any examination whatever, except in case of contest.

Q. Do you know anything about the Washington polling place?—A. The Washington polling place is in the same precinct.

Q. Precinct No. 1?—A. Yes, sir; Precinct No. 1.

Q. Is that the poll where the Republican vote is in the majority?—A. That is a Republican poll in proportion to the number of votes there cast. The usual poll there, the majority is, in proportion to the votes cast, about the same as at the other boxes, except this box at Lott's post-office. That box has always been strongly Republican. There was no disturbance at Washington box, and the votes were brought in. I think there are from 130 to 150 votes cast there; and there was only from 5 to 15 votes difference for the candidates on the different tickets.

Q. Has any meeting of the grand jury been held since the hanging of those negroes?—A. Our grand jury meets on the first Monday of March, which will be the first grand jury which has been convened since the hanging of the negroes or since the election.

Q. What justice of the peace held the inquest on these colored men who were hung?—A. R. P. Hackworth, the brother of Stephen A. Hackworth, who is one of the memorialists.

Q. Is he a Republican?—A. Yes, sir.

Q. And under your law he could issue a warrant?—A. Yes, sir; he had the same right to issue a warrant that the county or district judge would have, and he not only had the right to do it, but the law made it his duty if he knew of anybody who had been killed or of any violation of the law, to do it. He had the right also to summon witnesses and examine them, and inquire about these particular points.

Q. Was there not a general report and belief among the white people that the negroes had been advised to go armed at the Flewellen polling place?—A. Yes, sir; it was generally reported. Mr. Schutze, one of the witnesses who was examined yesterday, stated about what the current rumor there was in an article that he wrote shortly afterwards; that it was generally understood they had been advised to go there with

arms, and it was also generally understood that Ed Lockitt and Lonny Gilder were the persons who had given that advice.

By Mr. EVARTS:

Q. Have you that article?—A. It was put in evidence yesterday morning by Mr. Schutze.

By Mr. SPOONER:

Q. He said it was generally reported, as I recollect his testimony.—A. He said it was generally reported that they were there armed, and had been advised to go there by Gilder and Lockitt, and as soon as it was known that Mr. Boulton was killed, Gilder and Lockitt left that section of the country. There has been process out after them, but they never have been arrested and nobody knows where they are. We expected somewhat to find them here.

Mr. SPOONER. I do not blame them for hiding, after what happened to the men who were arrested.

The WITNESS. I do not blame them.

By Mr. EUSTIS:

Q. Was it not reported that they also had made raids on the box at Graball?—A. Mr. Awbrey, the presiding judge, says that he believes they are the men who did it.

By Mr. SPOONER:

Q. He is here, is he not?—A. Yes, sir; he is here.

Q. They were both Republicans, were they not?—A. Lockitt was a Republican and Gilder had been a Democrat. I believe he had been about converted, though. He was a brother-in-law of Mr. Moore's, and I think he had gone over on that side.

By Mr. EUSTIS:

Q. It being reported that these negroes had been advised to go armed, and the fact being that a white man was killed by an armed negro at this Flewellen box (assuming that to be the fact), was there not very great excitement in your community about it?—A. Yes, sir; the excitement was prevalent all over the county, and then, as has been stated, there were talks of negro insurrections and uprisings, and, while a good many did not believe there was anything in those reports, the fact that these negroes had killed Boulton in accordance with the advice of these men——

By Mr. SPOONER:

Q. You do not mean to say that these men had given them such advice?—A. It was so reported.

Q. But you state it as a fact.—A. I say that it was so reported that a negro had killed Boulton in accordance with the advice of these men, and that made the people more apprehensive that there was something in those rumors of an outbreak among the negroes. The people there would never believe that the negroes would have shot Boulton at the ballot-box, but after they did shoot him they didn't know to what extent it might go, and rumors were afloat that they were organizing and arming, and Mr. Blount, one of the witnesses here, has testified that he heard the report that they were organizing a hundred armed men up at the Lotts box to go down to Graball, and I heard that report, and it was current there that such was the fact. And then Mr. John H. Roberts——

Q. All these reports, though, were after the election?—A. Yes, sir; they were after the election. There was no excitement until after the 3d of November, when Boulton had been killed.

Q. And after these ballot-boxes had been raided and stolen?—A. Yes, sir.

By Mr. EUSTIS:

Q. What were you going to say about Mr. Roberts?—A. I was going to say that Mr. Roberts went down in that section of country known as the black belt, and he sent a telegram up there a few days after the killing of Boulton, stating that he believed there would be an uprising, and requesting the sheriff to come down there with a posse of armed men. As soon as that report was made known there the sheriff and others telephoned to Chapel Hill and Independence this report of this apprehended uprising, and the sheriff got a number of men from Brenham to go down there, and they did go, and perhaps a military company came.

By Mr. SPOONER:

Q. And he found there was nothing in it?—A. He found there was no uprising.

By Mr. EUSTIS:

Q. Who is Mr. Roberts?—A. He is a citizen who lives down there near Graball. It was also reported there at the same time that there was talk that the negroes were going to come there and attack the jail and release these negroes, and there were all sorts of rumors and excitement. The military company of the town went out and guarded the jail that night, and the sheriff got a posse from Brenham—

By Mr. SPOONER:

Q. Were they guarding the jail to prevent the rescue of these men, or prevent their being taken by a mob and hung, which was it?—A. They were there to prevent their being interfered with.

Q. Was there not a rumor that they might be taken out of the jail and hung?—A. Yes, sir.

Q. And that is what the sheriff called on the militia for?—A. That in conjunction with the report that the negroes were coming there. The report was that there would be an attack made on the jail that night. Some said it would be to take the negroes out and hang them, and others said it would be made by negroes to release those negroes who were in there, and this military company was put there to guard against any emergency of that kind from any source.

Q. When the sheriff went out there towards Graball with his posse to quell this apprehended negro insurrection, he met a band of armed men, white men, going to town, did he not, to hang these negroes?—A. He met a number of men from Independence and from Chapel Hill. All I know about is what he said. He said they told him they had heard of this excitement and they were going in there, and they just dropped in and reported to him, and he did go on to Graball with them. He summoned the whole of them as his posse, and they went to Graball with him; and he told me that as soon as he met these men, they stated they had heard this telephonic communication from Brenham and they had gone in there for that purpose.

Q. Didn't he tell them that when they indicated their purpose to hang those negroes, that he had his guard there, and if they made any attack on the jail they would get hurt?—A. I think he told them that

the jail was guarded by the military, and he told them what he had done in Brenham; that he had put a military company at the jail.

Q. Was it not generally understood that these men whom the sheriff met were going to Brenham to hang the negroes?—A. There were conflicting reports about that.

Q. What did the sheriff tell you about that?—A. The sheriff told me that they reported to him and fell in with him.

Q. What did they report about it?—A. That they had received these telephone messages that were telephoned from Brenham. I had telephoned myself both to Chapel Hill and to Independence, and also to Navasota. I think they met him half way between Brenham and Graball.

Q. Do you remember what you said in those telephone messages?—A. I do not remember my exact language.

Q. Do you remember what you said?—A. No, sir; I do not remember.

Q. State as near as you can recollect it.—A. I just told them that there were wild rumors of uprising down there somewhere in that Graball country.

By Mr. EUSTIS:

Q. Uprising by whom?—A. By the negroes, and that the sheriff had gone down there, and telephoned some of them to go. I said I telephoned to Navasota, and I believe I responded to a telephone from there. They had heard of it from some source and asked about it, and I told them the best I could.

Q. What do you know about these letters which have been written to leave, signed "secretary," and "citizens"?—A. There have been a number of them sent there to various parties. I got one myself, and also a negro who supported our ticket. There was one came in my post-office box directed to him in my care, and I have it here.

Q. Directed to the negro?—A. Yes, sir.

Q. Have you got it there?—A. Yes, sir; I have it here [producing the paper referred to]. I also got a postal card mailed at Hempstead which I could not read. Perhaps if you got an expert you might decipher it. I got one of those letters similar to the ones which have been introduced in testimony here.

By Mr. SPOONER:

Q. That is the one which has been referred to in the evidence?—A. Yes, sir; the one which has been referred to. Here is the one I received [handing a note to Mr. Eustis].

Mr. EUSTIS. I will read this:

WASHINGTON COUNTY, *December 3, 1886.*

To L. KIRK:

You are hereby notified that you will be shot on the first favorable opportunity. You are the instigator of all the political strife and trouble of our county. Take this as a fair warning and act in due accordance therewith. For to die you shall before many suns rise and set. If it is not done by one way, it can by another.

This is no bluff, but facts.

JUSTICE.

Others may surely follow your fate.

By Mr. EUSTIS:

Q. Do you know whose handwriting this is?—A. I do not.

Q. Have you any reason to believe whose handwriting it is?—A. I have no reason to believe who did it.

Q. Do you know Mr. Rodgers's handwriting?—A. I do.

Q. Is there any similarity between this and his handwriting?—A. There is some little similarity to Mr. Rodgers's handwriting, and there is a similarity to the handwriting of a dozen men in our town, so far as that is concerned, when they write a back-hand.

Q. This was more severe than the others?—A. Yes, sir; they didn't give me the alternative of emigrating. I did not think it was worth while to leave; they didn't suggest that as an alternative.

Q. Did you ever accuse anybody of writing that?—A. As soon as I got it I told a couple of gentlemen. I said, "It lies between you two," and they both assured me that they did not do it.

Q. Who were they?—A. One was Mr. Rodgers. I didn't accuse him, but some of the parties who looked at the letter did. One of the parties was Mr. Rodgers, and the other O. L. Eddins.

By Mr. SPOONER:

Q. They are a couple of Democratic lawyers?—A. They are not Democrats to hurt—Eddins isn't.

By Mr. EVARTS:

Q. Is he a lawyer there?—A. Yes, sir.

By Mr. EUSTIS:

Q. They both denied sending it?—A. Yes, sir.

Q. Have you any other note?—A. I have another here that was sent to Bob Sloan, a negro who supported our ticket. He went around in the canvass; he had been a constable in Washington precinct, and worked down in that precinct, and helped to support our ticket. This was sent to him some time afterwards.

Mr. EUSTIS. This is the letter:

BRENHAM, TEX., *December 29, 1886.*

BOB SALOAN:

DEAR SIR: We have cought two of the Dimocrat Chickins, an' you and Algie Hunt is our next choice. We expect to kill Dimocrat nigers until we get two for every one they have killed, yours, most respectfully, Dead.

Q. Who is Algie Hunt?—A. He is a negro who supported the People's ticket. He is here as a witness.

Q. You say Sloan was an active Democratic negro?—A. No, sir; he was an active supporter of the People's ticket, but he was a Republican. I do not know but two negroes in Washington County who are Democrats, who come out and say so.

Q. You mean by that those who vote the national Democratic ticket?—A. I mean those who claim to be Democrats. They all claim to be Republicans. A great many of them have supported the People's ticket, and support whoever they place on the local elections, but they universally vote the Republican ticket in the State and national elections.

Q. Are those the only two letters you have?—A. Yes, sir; those are all I have: I have seen a number of other letters, though. The constable (who is a negro) in Brenham precinct came to me with a letter he said was sent to him by a negro named R. P. Hubert.

Q. Was he a supporter of the People's ticket?—A. No, sir; he was a Republican. He got one or two of these little notices and came and asked me what I thought about it, and I told him I would not pay any attention to it. Then Bill Holle, who ran two years ago on the People's ticket for tax assessor and was defeated; this time he ran, I believe the gentlemen here claim, on that ticket—I understood that he ran as an Independent—he got one of these letters, and he told me that he thought

it was a personal enemy out there in his neighborhood who had sent it to him, and that he had never paid any attention to it. He asked me what I thought about it, and I told him I thought that was exactly the way to treat it. And two or three negroes around town got letters of that sort and came to me about it. I asked them if they had any idea who sent them, or knew anything they could prefer charges against anybody on, and they said no. I told them I would not pay any attention to them, and they took my advice, and they are there now and never have been molested.

Q. Do you know two colored men named Hopkins?—A. Yes, sir; I do; I know them both.

Q. Are they brothers?—A. Yes, sir.

Q. What are their names?—A. Tom and Oscar.

Q. What has become of them?—A. They were killed in Brenham a few days before this letter was sent; before this negro Sloan got this last letter.

Q. Were they both killed?—A. Yes, sir.

Q. Who were they?—A. They were negroes who lived in town, or near town.

Q. What were their politics?—A. They are all Republicans, as I say.

Q. But I speak with regard to the People's ticket?—A. Both of them supported the People's ticket.

Q. Was it generally known that they supported the People's ticket?—A. Yes, sir; it was generally known.

Q. Who killed them?—A. A negro killed them.

Q. But who was it?—A. It was Dan Nelson.

Q. Who was he?—A. He was an employé of the Gulf, Colorado and Santa Fé Railroad Company.

Q. What were the circumstances of the killing, do you know; was this colored man a Republican?—A. He was a Republican, and an active one, in the late canvass, and the brother of these boys and he had had several spats about politics, I think, and then there had been a grudge, too. They had had personal altercations some time before that.

Q. How did he kill them?—A. They were passing by the depot and he stepped out of the door with a double-barreled shotgun and shot one in the back, and the other one sort of turned around and he shot him right in the head.

Q. Did you ever hear the negroes speak about the cause of that killing?—A. They say it was politics. There was a leading Republican negro who told them the brother was going to be killed, and that he would be killed if he didn't move out of Waterville where he was residing.

Q. Do you mean that he told them this because of their support of the People's ticket?—A. That is what this negro told them; yes, sir.

Q. The feeling is very bitter between negroes, is it not?—A. The feeling there now, especially among the town negroes, is very intense against them. A majority of them support the Republican ticket, but a good many of them support the People's ticket, and they have been ostracised and threatened and dogged at ever since the election.

Q. Does that feeling extend to the negro women?—A. Yes, sir; they "church" them, and talk about not taking them into their social organizations, and the wives of the negroes who support the straight Republican ticket will abuse and insult the wives of those who support the People's ticket. The feeling is as intense as it can be, and very bitter, indeed.

Q. What are the ways, do you know, in which Republican negroes can annoy and render uncomfortable the lives of the negroes who vote for the People's ticket or the Democratic ticket?—A. They do not any of them like to be called Democrats. They jeer at them and say, "there goes a Democratic negro," and taunt them as they pass by in various ways, and insult them.

Q. Is there any such thing as social ostracism?—A. Yes, sir; they are completely ostracised socially, except among their own number who support the People's ticket.

Q. That is what I want to get at. I know how it is in Louisiana?—A. Those two negroes who were killed had a few negroes only of those who supported the People's ticket to bury them and to wait upon them when buried; and the negroes told their brother, who is here, that if he was killed that he would not have any except Algie Hunt and these Democratic negroes to go to his funeral.

Q. In other words they are looked upon as lepers?—A. Yes, sir; they are completely ostracised.

Mr. EVARTS. I think the witness has a liberal use of language to describe what he wishes to, without any suggestions.

Mr. EUSTIS. He knows what a leper is.

Mr. EVARTS. The severest thing I heard him say was that if this man was killed there would not be many who would attend his funeral. Now you put it that he is a leper.

The WITNESS. I expect the negroes who are here can describe that in their own language better than I can, and give a more correct idea about it.

By Mr. SPOONER:

Q. All you mean to be understood generally as saying upon that subject is, that the negroes are nearly all Republicans, and when a negro deserts the Republican ticket and supports the Democratic ticket the Republican negroes are very bitter about it and do not like it?—A. Yes, sir; they are very bitter. I believe they are all Republicans in our county, with two exceptions, when it comes to State and national voting.

Q. How long had the administration of your county been Republican up to 1884; ever since the war?—A. Yes, sir; ever since the war.

Q. In that time how many Republican county officers had been defaulters that you know of?—A. I do not recollect but two cases.

Q. You spoke about the course pursued; Mr. Eustis asked you after you had spoken about this tax collector who was a defaulter, and this county treasurer, if that was the course of affairs in that county under Republican administration, and you said yes. Do you mean to be understood as saying that there were any other cases during all these years?—A. There were six or seven who were indicted.

Q. I am not asking you that. I asked you how many of the county officers were defaulters?—A. Those are the only two, I believe, that I recall who were defaulters.

Q. Those are the only two alleged to have used the public moneys?—A. Yes, sir.

Q. These indictments you are now speaking about were the indictments spoken of yesterday by Mr. Hackworth, were they not?—A. Yes, sir. I thought you asked how many indictments; I mistook your question.

Q. You referred to the fact that the credit of your county was low. Do you issue county orders or certificates there?—A. Yes, sir.

Q. What do you mean by the credit of the county; do you mean that they could not borrow money?—A. Whenever a man does a piece of work for the county, under a contract or otherwise, he goes to the county clerk and scrip is issued, and he goes to the treasurer and if there is any money it is paid.

Q. When you say the credit is poor and sometimes ran from 25 to 75 cents on the dollar, you mean the price of the county scrip?—A. I said it ran from 40 to 75 cents.

Q. I beg pardon. You mean the price of the county scrip?—A. Yes, sir; I mean the county scrip.

By Mr. EUSTIS:

Q. What is that scrip worth now?—A. It is worth dollar per dollar.

Q. How long has it been worth that?—A. For about two years.

By Mr. SPOONER:

Q. When was it worth 40 cents?—A. It has been several years since it was worth 40 cents.

Q. Do you know any counties in Texas whose scrip sold higher than 40 cents immediately after the war?—A. I do not know what it sold for.

Q. The country was impoverished?—A. At that time I was so young I did not know what the scrip sold for.

Q. When do you remember any of the scrip to have sold at 40 cents in Washington County?—A. I do not know that, except by general reputation and hearsay.

Q. It is so long ago that you do not know anything about it yourself?—A. I have not examined the records myself personally to see.

Q. Then you do not know much about it, do you?—A. I know that the county credit had varied from 40 to 75 cents on the dollar.

Q. But when it was 40 cents you do not know?—A. It was about ten years ago, I think, when it was down that low.

Q. Did it constantly improve from that time on?—A. It got some little better.

Q. It went from 40, under Republican administration, up to 75?—A. Yes, sir; about that.

Q. No higher?—A. I do not know.

Q. If you do not know, why do you say it was 75?—A. I say it varied from 40 to 75. A few years ago it might have got better.

Q. Better than 75?—A. It might; a little better than 75.

Q. Did it, in fact, go up to 95?—A. I do not think it ever did.

Q. Did it go up to 90?—A. I think, may be, it got to 85 or 90 at times; it fluctuated.

Q. It went from 40, under a Republican administration, to 85 or 90?—A. Yes, sir; that is so.

Q. What was it when the honest administration went into power in 1884?—A. The commissioners' courts have control of county affairs, and there had been some good men on the commissioners' court for several years.

Q. Were they Democrats or Republicans?—A. Republicans.

Q. Is that possible?—A. Yes, sir; quite possible.

Q. So that the credit was pretty fair?—A. It had been improving, sir.

Q. How much has it improved since 1884?—A. It is dollar for dollar, now.

Q. What was it then?—A. There were some debts against the county then and there was no money in the treasury to pay off any of the scrip, but when the taxes were collected——

Q. What would it sell for?—A. It was worth about 90 cents on the dollar.

Q. With no money in the county treasury?—A. Yes, sir.

Q. You call that pretty fair credit, do you not?—A. Well it had improved.

Q. Under Republican administration?—A. Yes, sir.

Q. Then when you said that the course of Republican administration had been one of malfeasance and defalcation in destroying the credit of the county, you did not quite mean that, did you?—A. I mean that exactly.

Q. That is, in these two instances of defalcation?—A. I mean it had been down low when there was no necessity for it. It ought to have been at par fifteen years ago. There were no public improvements, and with the taxes there should have been no debts of the county.

Q. You do not mean to say that there were no public improvements?—A. Well, very few.

Q. Why do you say so?—A. There was a jail built, that is the only thing I know of.

Q. Were any bridges built?—A. Yes, sir; a few.

Q. What do you mean then when you say there were no public improvements?—A. I mean to say there were not many; it amounted to nothing.

Q. You say there was a jail built?—A. Yes, sir.

Q. When was that jail built?—A. Some years ago; I do not know how many years ago.

Q. Was it badly built?—A. Yes, it is a very inferior building.

Q. Who built it?—A. I do not remember.

Q. It was built by a partner of the firm of Giddings & Giddings was it not?—A. I do not know who built it.

Colonel GIDDINGS. It was no partner. They simply advanced the money to carry on his work.

The WITNESS. I know it is a matter of general reputation that the jail cost \$40,000 and it is worth only about five or six thousand dollars.

Q. They could hang negroes from that sort of a jail as well as from one which was more expensive, couldn't they?—A. I expect so.

Q. Did the Republicans expend no money in the purchase of property for the county?—A. They bought a little poor-farm three or four years ago, 30 acres or so; that is all I know of.

Q. Then you mean to be understood that they did not have any honest, good government down there in Washington County until you and your *confrères* went into office in 1884; isn't that the long and short of it?—A. Not that exactly.

Q. But it is pretty near that?—A. The people had been gradually awakening to their own interests and they had got some good men in occasionally, Republicans sometimes, and sometimes Democrats. They had a commissioner's court, and two members on it were men who had succeeded in their own business affairs, and they managed the business affairs right successfully, except when they were out voting.

Q. About these two colored men who were killed. Don't you know that politics had nothing to do whatever with that killing?—A. I do not know.

Q. What is the political character and complexion of the Banner newspaper published in your town?—A. The Banner claims to be independent.

Q. But it is a Democratic paper, is it not?—A. The editors of it are Democrats, both of them.

Q. It supported the People's ticket, did it not?—A. Yes, sir; it supported the People's ticket.

Q. Do you recollect its supporting at any time the Republican ticket?—A. No, sir; it never has done that.

Q. What stronger evidence do you want that it is not a Republican paper?—A. They claim it is an independent paper; I would call it a Democratic paper; it is Democratic in its tendencies.

Q. You ought to know, and I have no doubt you do know. Did that paper state, after these two colored men were shot, that there was nothing political in it?—A. I don't remember what the paper stated about it.

Q. It was a quarrel about a band, was it not?—A. Well, there had been——

Q. Answer my question.—A. I think that was about the cause of it. There had been an ill feeling between the two colored bands.

Q. And these men were followed around by this man Nelson under threats?—A. I do not know that they were. There was some testimony tending to show that.

Q. You held the examination, did you not?—A. Yes, sir.

Q. Was there not testimony to that effect?—A. There was some testimony tending to show that they had gone out——

Q. You refused this man bail?—A. Yes, sir.

Q. And the district judge admitted him to bail?—A. Yes, sir.

Q. On the same testimony which was taken before you?—A. There was a little additional testimony, but it didn't change the character of it.

Q. It was a thousand dollars bail, was it not, that the judge admitted him to, after examination?—A. Yes, sir; a thousand dollars.

Q. Has anything been done in the case since that?—A. The grand jury has not met. He has been held over to await the action of the grand jury.

Q. What is there which happened at the time that warrants you in saying that it was political?—A. Well, it is just the rumor among the negroes. I do not know that politics entered into it except from rumor. One of these bands supported the Citizens' ticket and one the Republican ticket, and they had had some squabbles before the election, and when they would go to play they would be interrupted and interfered with by each other more or less.

Q. But this was a personal quarrel between Nelson and these two men?—A. Yes, sir; it was the result of a grudge. They had some few words; they had a quarrel; had a division in their bands, and there had been a feeling that divided them up on the election, and one band went one way and the other the other way, and that was reported as intensifying the feeling.

Q. Did you say that W. H. Blount was an honest man?—A. I do not know anything to the contrary. I never heard him accused of any dishonesty. He is a pretty fair negro.

Q. How about C. C. Lockitt?—A. I don't know but what he is an honest man; I never heard his integrity questioned.

Q. Is J. C. Hewett a man of good character?—A. J. C. Hewett, I think is an honest man.

Q. How about C. C. Bryan?—A. C. C. Bryan is an honest man, so far as I know.

Q. What have you to say about Joe Hoffmann?—A. I never heard his integrity questioned.

Q. How about William Ehlert?—A. He is reputed to be an honest man.

Q. Do you say the same about Paul Fricke?—A. He is reputed to be an honest man.

Q. How about T. J. Lockitt; isn't he reputed to be an honest man?—A. Well, he is generally regarded so; yes, sir.

Q. Of course every man has his enemies, but I am talking about the common speech of people?—A. Well, there is a common rumor there that he has been in some questionable complications in speculating in scrip while he was county treasurer.

Q. How about B. C. Anderson?—A. B. C. Anderson is an honest man, so far as I know.

Q. What have you to say in regard to D. E. Teague?—A. I never heard anything charged against him.

Q. And William Ehlert?—A. I never heard anything charged against him. He is honest, so far as I know.

Q. How about Carl Schutze? I speak now of his financial integrity, I do not talk about him as a politician?—A. It is generally reported that he won't pay his honest debts.

Q. Do you mean he won't pay them when he can?—A. Well, he don't pay them; I don't know whether he would if he had the money.

Q. It makes a difference sometimes whether a man can or not, doesn't it?—A. Yes, sir; there are some honest men who would pay if they could.

Q. Yes, a good many. I have been in that fix once or twice myself.—A. I judge from his allegations in the memorial that he had money enough to pay his debts.

Q. I do not speak of his personal integrity merely, but of his character as a man handling public funds?—A. His reputation was bad generally.

Q. These men were the candidates on the Republican ticket?—A. A good many of them were candidates on the Republican ticket, but some were not.

Q. Were not all of them candidates on the Republican ticket?—A. No, sir; they were not.

Q. Is not that a copy of the ticket? [Showing witness the ticket as printed on page 69 of the testimony.]—A. Yes, sir.

Q. Are they not all on that ticket?—A. They might have been put on the ticket. Ben Anderson is a Democrat and so is Teague. I believe they may have been put on the Republican ticket.

Q. But the rest of the men there they were all Republicans?—A. Yes, sir; and they are all there pursuing their ordinary vocations and never have been molested.

Q. You said the people wanted an honest election and honest officers, and the implication was that, therefore, they must support this People's ticket, with you yourself at the head of it; and I wanted to ask you about the character of these men on the Republican ticket?—A. Some of them were very good men, but some of the leading Republicans had got so low down that they could not be elected, and they did not dare to put them on any ticket.

Q. Of course. Three of them got so high up that they never got down alive. You had direct relations as county judge with the colored school teachers?—A. I did.

Q. You audited their accounts?—A. I approved their vouchers, as it is called.

Q. They drew their pay through you to that extent?—A. They come to me, swear to their vouchers, and then go to the county treasurer.

Q. You say taxes were very high under Republican administration. Have they been reduced under your administration?—A. No, sir; they have been kept about the same.

Q. Then the people didn't make very much in that particular so far?—A. Well, they have had a good many improvements there which they never had before. We have built about fifteen thousand dollars' worth of bridges in the county since I have been county judge and built a sixty thousand dollar court-house and paid twenty-one thousand dollars on it.

By Mr. EVARTS:

Q. You have talked about bitterness and political aspersions. Are you able to give us what you of yourself heard in the way of these bitter expressions between the Republican blacks and the blacks who voted the Republican ticket?—A. Well, I would hear those fellows get up——

Q. I ask you to tell me something. First as to the fact. I want you to tell me, if you can, what you yourself heard them say?—A. I can give you some samples.

Q. Very well. Now begin with the name and then the statement of each one.—A. This man Moore——

Q. Which Moore is that?—A. One of these memorialists. I have heard him get up and tell the negroes——

Q. I expressly stated that I wanted you to tell us of the bitterness you heard yourself from the blacks against the blacks for this difference in politics.

The WITNESS. From the blacks against the blacks?

Mr. EVARTS. Yes; that was my question.

A. I don't know that I could recollect.

Q. Now you have answered my question. You say you do not recollect?—A. I do not know that I can quote any particular expression.

Q. Nor name any person?—A. What I got was——

Q. Answer my question; nor any person?—A. I don't remember any particular expressions.

Q. Now I have got through with that question and you have answered it completely.—A. All right.

Q. Now, you have heard rumors or statements by others of the bitterness of expression between Republican blacks and Democratic blacks, have you?—A. Yes, sir.

Q. Now, what have you heard, and from whom, on that subject?—A. All those negroes would come to me, these negroes who supported me and supported our ticket, with statements that had been made.

Q. That is, they did come to you?—A. Yes, sir.

Q. Now, who were they?—A. They would come to me——

Q. Who were they, I ask you?—A. These negroes? Gus Hoffmann, Algie Hunt, Logan Jones, Willis Bagby, and Lampson Lindsay, and other negroes, there at home, would come and tell me what they had been talking about them, and some of them are here as witnesses.

Q. These that you have named supported the People's ticket at this election?—A. Yes, sir; those I have named supported it.

Q. And do you say that they are in attendance here as witnesses?—A. Some of them are; only two, I think.

Q. Then I will not ask you about those who are here, for they can speak for themselves. In regard to those who are not here, what have you to say as to what they communicated to you?—A. Well, they would

come to me and say that those negroes would get together and say, "There goes a Democratic negro that helped hang those other negroes."

Q. That is one thing?—A. Yes, sir; that is one instance. And down there in school we have about three hundred and fifty——

Q. I am only talking about what the people told you?—A. I will answer your question by saying that down in the schools there we have about three hundred and fifty colored children in town, and the school children would come to me and tell me that the other school children, the children of those who voted the other ticket, these children would go after the others and say, "Your father is a Democratic negro, and knows all about the hanging of those niggers and helped do it"—Willis Bagby particularly.

Q. Can you state any other instance?—A. A young negro named Hunt——

Q. Is he here?—A. No, sir; he is not here.

Q. What did he say?—A. He was down at the depot there, and a negro named Jim Williams——

Q. Who was a Republican?—A. Who was a Republican and an ardent one, was abusing his father in his presence, calling him a Democrat, and saying that he had sold out, and that he was not fit to associate with a respectable nigger. And then, on a different occasion from that, this same negro made about the same statement in the presence of this Richard Hunt again, and it resulted in a personal altercation between them.

Q. What happened between Hunt and this man who reproached him?—A. Hunt knocked him into the middle of the street and sat him on his head.

Q. That was the reply that Hunt made?—A. Yes, sir.

Q. For this language you have spoken of?—A. Yes, sir.

Q. Now, state if there were any other reproaches that you heard.—A. Well, Bob Sloan, another negro, who was active there——

Q. Is he a Republican?—A. He is a Republican, but he supported the People's ticket.

Q. What did you hear said to him?—A. His wife was there working at one of the hotels, and the negroes there would tell her that her husband was not fit to be seen among respectable negroes; that he was a Democratic negro, and was about like the white people, and hanging around them, and on that account was not fit or worthy of the notice of the other negroes.

Q. Can you give us any other instance?—A. Well, Lampson Lindsay, there at the church, he said the negroes when he would go there they would point at him as he walked into church as a Democratic negro that was of no account, that had spent his time working for the People's ticket; that they did not appreciate it and did not have as much respect for him or confidence in him as for those who voted the regular diamond-shaped ticket, and that they would not have anything to do with him.

Q. Is this about all you know?—A. Nearly every one of them came to me. This negro Bryan, whom you heard spoken of by some of the witnesses, he made several speeches in advocacy of the People's ticket.

Q. Was this before election?—A. But he was jeered at. They went up in a body and got up a petition against him. Shortly after that election that district held its annual conference, which was to locate preachers. He went up there, and they got up a petition (these straight Republican ticket fellows) to the bishop charging him with having taken stock in politics and being a Democrat, and went and presented that petition, and they made a fight on them there in the conference to

try and get him silenced. They appointed a committee, as I understand—as Bryan told me. The negroes had a meeting and appointed an active Republican named John King to go up with that memorial and present it to the bishop and try to have this negro Bryan silenced; and in response to that the bishop gave them a lecture and told them they were twenty years behind the times; Bryan told me that.

Q. Are these the severest instances you can recall of reproaches, of vituperation, between the two factions of the colored people?—A. This letter that I read was one threatening to kill them——

Q. I am asking you if what you have now said are the severest instances you can recall?—A. One of them is here now; he came and told me——

Q. Won't you answer my question? Are these the severest instances that you can give of what was made the matter of reproach between the two factions of the blacks?—A. Except when it resulted in a personal altercation and fight, as it did in several instances.

Q. Now, what fight is it you have anything to say about?—A. Well, in regard to this negro Bob Sloan. One night before the election a negro came up and told him that any negro who voted for any man on the Democratic ticket was a damned son of a bitch.

Q. What happened?—A. Bob tried to strike him, but was prevented by the bystanders.

Q. That was the end of that, was it?—A. Yes, sir; I believe that was about the end of it.

Q. What part had Bob Sloan taken in support of the People's ticket?—A. Well, sir, he was in the convention that claimed to have nominated the Republican ticket, and he bolted the convention, and told them that his precinct would not support it; that it would not swallow Schutze, was his language. He came out, and part of the convention followed him out.

Q. Did he go there armed?—A. Yes, sir; he had on a pistol; he was a constable.

Q. And he was there armed?—A. He was serving as constable at the time, and had a pistol there that day.

Q. He was not attending as constable at that poll?—A. No, sir; he was not attending as constable, but had his pistol with him.

Q. Did he try to break up the meeting?—A. I was not in the meeting, and I only know that some very hard words ensued.

Q. On his part?—A. No, sir; first on the part of a negro named George Lans, who sauntered up to him and tried to strike him, he said.

Q. What was the course of things there?—A. They got into a general rumpus, and broke up in a row.

Q. Did Sloan go there to break up that meeting—to try to break it up?—A. He went there as a delegate, I believe, or as a Republican. He wanted to make a ticket that he could support.

Q. Did he go there to break up that meeting?—A. No, sir; he did not.

Q. After he got there did he try to break it up?—A. They had a general row.

Q. Did he try to break up that meeting?—A. He says not. I was not in the meeting, as I have stated.

Q. Did you hear that he did?—A. I did not hear that he did. It was variously charged. He headed one faction; he was from precinct number one.

Q. He tried to break up the convention, didn't he?—A. He told them that he would not support that ticket.

Q. Did he try to break up the convention?—A. He and Mr. Randall got up and made speeches against the nomination and told them they would not support Schutze for county judge and Fricke for sheriff, and they sent a committee down to Schutze to reconsider the matter, and they went down there, as I am told, and had a little conference and came back and could not do anything, and those who wanted that ticket were in the majority, and they renewed that same ticket; and Sloan got up to make a speech, on the bench or table, I am told, and this negro, George Lans, went up to him and jerked him off the bench he was on, and then a general row ensued and they all came down in a pile together.

Q. What was Bob Sloan saying there upon the table, which led them to pull him down?—A. Well, he was opposing their indorsement of that ticket, or telling them that the precinct he was from, the Washington precinct, would not swallow that ticket, so I afterwards understood.

Q. Then you do not think he tried to break up that meeting?—A. I do not know what he did, except from hearsay. He told me that he was up there speaking, and this negro, George Lans, attempted to pull him off the table.

Q. It finally went into a general row, as you say, and the meeting did break up?—A. Yes, sir; the meeting was broken up, and the whole of them came down, white and black.

Q. After Bob Sloan came down did he hit anybody on the head?—A. No, sir. This same negro was after him, and his brother, also, Jack Lans, made an effort to get hold of him.

Q. To get hold of Sloan?—A. Yes, sir; to get hold of Sloan. But there was a crowd of negroes there, which gathered round him, and Sloan had a pistol in his hand and started to strike a negro over the head, and some other negro struck it out of his hand and it fell on the ground, and another negro named Sam Love picked it up and kept it. They were in a general melee rather difficult to describe. Then Jack Lans jumped on to another negro named Lampson Lindsay and they had another choking match.

Q. Before the election did you hear any incendiary speeches made by Republican orators?—A. I heard such speeches as I considered rather incendiary.

Q. You have given an account, I understand, of some of those you heard?—A. Yes, sir.

Q. And have said all that you care to say on that subject?—A. About all that I could recall. I have given samples of them.

Q. Were those the extremest or severest instances of incendiary speeches that you heard?—A. They were about as severe, I believe. It was their practices as much as their—

Q. I haven't asked you that. I ask you if you have given the severest instances of these incendiary speeches that you heard?—A. I believe I have given those that I heard.

Q. Now you said that you received this threatening letter which has been produced here?—A. Yes, sir; I received that out of the post-office.

Q. Did you recognize the handwriting?—A. No, sir; I did not.

Q. Did any one occur to you as the writer?—A. Well, I said there was a resemblance to the handwriting to two gentlemen there in Brenham who wrote a sort of back-hand, and some of my friends accused both of those gentlemen; I did not do it.

Q. Now answer my question. I wish you would answer my question.—A. Well, what is it?

Q. When you read that letter, did it occur to you that any particular person had written it?—A. It did not.

Q. When did any person as the probable writer of it first come to your mind?—A. It never did come to my mind.

Q. No one came to your mind as the probable person who wrote it?—A. I never had any idea who wrote it.

Q. When did it first come to your mind as the possible writer of it?—A. I went right from the post-office to the court-house, and I showed it there in the court-house to somebody.

Q. Who did you show it to?—A. I believe to Will Ewing, Charley Herbst, to A. M. Krug, and some others.

Q. Were those persons of your party?—A. Yes, sir; they were.

Q. What happened then?—A. Some one suggested that it resembled the handwriting of Ben Rodgers. Some other member of the party suggested that it resembled the handwriting of O. L. Eddins. Since that time I have asked Mr. Rodgers if he did write it.

Q. Was Rodgers there?—A. Yes, sir; he was there, too, I believe.

Q. In that company?—A. Yes, sir.

Q. What did he say?—A. He said he did not write it. He said he had more sense than to do a fool thing like that. Mr. Eddins came over in a short time, and I told him what the crowd had said, that it lay between him and Mr. Rodgers, and I showed it to him, and he disclaimed having written it or having any knowledge of it.

Q. Did you ever hear anybody else suggested as the writer?—A. Mr. Bryan had some conversation with Steve Hackworth, in which he said that he thought—

Q. I mean what anybody said to you?—A. Somebody suggested that they thought Ed. Lockitt wrote it—this fellow who had run off.

Q. You did hear somebody say to you that he thought it was written by Ed Lockitt?—A. Yes, sir.

Q. Who was that?—A. I think, may be, Colonel Giddings. He said he thought Lockitt had written it.

Q. Do you mean that it was in his handwriting?—A. That is what I believe Colonel Giddings said, that he had a suspicion that Lockitt had written it.

Q. He did not speak of it as being in his handwriting?—A. I do not think so.

Q. Which was it?—A. Maybe he said that it resembled Lockitt's handwriting.

Q. Well, he said that. Now how long was that after this paper was received by you?—A. It was the same day, that is my recollection at any rate.

Q. So that between those three there, the only names that had ever been suggested by yourself or your friends as having been the authors of this letter— —A. No, sir; they are not the only names.

Q. What are the others?—A. The great majority of my friends said it was gotten up between Schutze and Hackworth, and if they did not write it themselves they had somebody write it and send it.

Q. But I mean in the writing of the paper itself?—A. No, sir; no one ever said that.

Q. And those three persons are the only ones suggested?—A. John Rankin suggested that it looked like Schutze's handwriting.

Q. Very well, then, those four. When was this suggestion about

Schutze's handwriting made?—A. That same morning after I got it, within thirty minutes of the time I received it.

Q. Does that exhaust the whole opinion out there as to the writers of this letter to you, as to who they were?—A. As well as I can recollect. I do not think I ever heard any other name mentioned in that connection.

Q. Did you at any time believe that it was written by an enemy of yours?—A. I did; I always believed it was written by an enemy.

Q. But who the one was you do not know?—A. No, sir; I do not know. I had a few personal enemies there, and I think some one took advantage of the exciting situation to write it.

Q. Do you mean some of your personal enemies, or political opponents?—A. Political enemies rather than personal enemies.

Q. In other words, you thought it proceeded from Republican politicians?—A. That is my impression. I could not attribute it to any other source.

Q. Did you ever make any search to find out who wrote it?—A. I compared it with some handwritings, but came to no conclusions about it.

Q. What handwritings did you compare it with?—A. I said I compared, but I did not myself, either. My friends compared it with the handwriting of Ed. Lockitt and Henry Lockitt. I did not do it myself.

Q. What was the result of that examination?—A. They came to no conclusion.

Q. Was there a comparison made between this and the writing of county attorney Rodgers?—A. Not that I have ever known of.

Q. There was plenty of that writing in your office, was there not?—A. Oh, yes, sir; it was abundant.

Q. You thought it resembled it?—A. I asked him if he wrote it——

Q. I ask you one question?—A. Well, sir, I will answer your question.

Q. You thought it looked like his writing?—A. I said I thought it slightly resembled his handwriting.

Q. Did you ever compare it with his handwriting of which you had an abundance at your command?—A. I did not.

Q. Did you make any comparison between this and the handwriting of this other lawyer there, Mr. Eddins?—A. No, sir, I did not; I never compared it with anybody's handwriting.

Q. Was it the general opinion of this company about you, of your friends at the post-office, that it was meant as a hoax or a joke?—A. No, sir; that was not the general opinion. The general opinion was that it had been sent by some of my political enemies.

Q. Of these who expressed an opinion that it was written either by Mr. Rodgers or Mr. Bryan, did they treat it as a hostile movement?—A. Those who expressed that opinion treated it as a joke until they asked Mr. Eddins and Mr. Rodgers about it. They treated it as a joke so far as——

Q. That is as far as I asked you to state.—A. I reckon I have a right to explain.

Q. No, not now; you will have every opportunity afterwards. I will ask you now another question. When did these persons who expressed the idea that it was written by Bryan and was a hoax, express a contrary opinion, if they did express one?—A. It was never suggested that it was written by Bryan at all. The men who were suggested were Eddins and Rodgers.

Q. I am wrong in saying it was Bryan, then?—A. Rodgers was present at the time, or came to the crowd in a few minutes after, I am not certain which, and as soon as he stated that he did not write it it ceased

to be regarded as a production of his or as a joke from him. Mr. Eddins came over from his office, opposite the court-house, and some question was asked him, and then it ceased to be regarded as a joke by Eddins as soon as he stated that he had not written it.

Q. Do you remember being in the company of Mr. Eddins (if that is his name) at a drug store there, in which this question of whether Mr. Rodgers wrote this letter came up or was introduced and that Mr. Eddins said Mr. Rodgers did write it?—A. I never heard Mr. Eddins say any such thing at any time.

Q. Do you remember being there at the drug store with Eddins?—A. I have met Eddins there. There are two drug stores, one Mr. Luhs' and the other Carlton & Nash.

Q. Well, Luhs' drug store?—A. That is right across from the court-house, and I frequently go there after supper. He would come up to get a cigar, and I have seen him there occasionally.

Q. At that drug store, when Mr. Eddins was there and you were there, were there others there whom you remember?—A. I met Mr. Eddins there, and sometimes there would be others.

Q. Did Eddins there tell you that this was written by Mr. Rogers, or that he was satisfied it was written by Mr. Rodgers, and that it was a joke?—A. He never made any such statement in my presence, at any time or on any occasion.

Q. So that you are clear on that point. Do you know whether Mr. Eddins still expresses the opinion that it was written by Mr. Rodgers as a joke?—A. I have never heard it intimated that he entertained such an opinion.

Q. You preserved this paper?—A. Yes, sir; I kept it.

Q. You kept it personally?—A. Well, I put it in my desk with other letters I received.

Q. You took care of it and preserved it?—A. Yes, I kept it there.

Q. Did you attach any importance to that letter?—A. I felt just this way about it, that it was from some enemy, and that I was liable to be attacked at any time, and I was on my guard from that time on.

Q. I want to know distinctly from you whether it produced an impression on you as involving a threat against which you should take guard?—A. I regarded it as a threat on my life, and treated it as such.

Q. Are you surprised, then, that these other people who received these notices should treat them as involving threats of danger to them?—A. No, I am not surprised that they treated them with seriousness, except where they told me they did not.

Q. Do you not think their situation was quite as much exposed in that town of Brenham as yours was?—A. Well, I don't know but what it was.

Q. And you say this anonymous letter produced an impression on you of danger to yourself against which you intended to guard?—A. I felt that I might be attacked and I acted accordingly.

Q. Because of this letter?—A. Yes; and from other reasons behind that letter. I knew I had some bitter political enemies there, and from another circumstance, too. This man Moore, after the election—

Q. I am not asking you anything about that.—A. I was giving you my reasons for it.

Q. I am asking you about this. Now, you could see from that letter that it was written by an intelligent writer who knew how to write?—A. Yes, sir; I supposed it to be from some man who knew how to write pretty well, who wrote a pretty good hand.

Q. There was not an illiterate expression in that letter or writing?—
A. No, sir.

Q. How large was the number of people there of that degree of intelligence and proficiency in writing who you thought would have addressed such a letter to you?—A. Well, seven or eight.

Q. Did you run through the list of them to find out whether they wrote it?—A. No, sir; I didn't examine it.

Q. You never went beyond Mr. Rodgers or Mr. Eddins?—A. I never made an examination at all. I never asked Eddins if he wrote it.

Q. Rodgers and Eddins are the only ones whom you inquired of?—
A. My friends took the letter and compared it with Lockitt's handwriting.

Q. That you have stated?—A. Well, further than that I made no comparison.

Q. Do you know whether there was any resemblance between this and Lockitt's handwriting, of your own knowledge?—A. I never saw any of Lockitt's back-handwriting. There was a slight degree of similarity in the shape of the letters.

Q. But not so great as between this and Rodgers'?—A. Yes quite as great.

Q. As great?—A. Yes, sir.

Q. Had you seen as much of Lockitt's handwriting as you had seen of Rodgers' handwriting?—A. No, I cannot say I had seen as much of it. I had seen a good deal of Lockitt's handwriting, though. He was deputy clerk here, and had been deputy tax collector, and deputy many other things, and deputy district clerk, so that I was familiar with his handwriting.

Q. We have the proceedings of the coroner's inquest which has a considerable amount of Mr. Rodgers' handwriting in it.—A. Yes, sir; that is Mr. Rodgers' own proper handwriting. The most of that inquest proceeding was taken in his handwriting.

Q. Now, there was a homicide of one colored man and an injury to another colored man by a third colored man, which you have testified to. Has anything been done in regard to this accused person, except that he is on bail of \$1,000 up there?—A. That is all that could be done until the grand jury meets.

Q. Do you mean to say that until a man is accused of murder he cannot be stopped until the grand jury meets?—A. He can be arrested and put under bonds, if it is considered a proper case.

Q. But in case of murder he is sent to jail and not bailed at all.—A. It is a very rare condition of things when a man is refused bail.

Q. In case of murder?—A. Yes, sir.

Q. Then murder is aailable offense?—A. Unless the proof is positive that it was murder of the first degree.

Q. I do not want to quarrel with it, but only to understand the State law there. You understand the law to be there that a man accused of murder has committed aailable offense unless in some exceptional case?—A. It has to be an exceptional case. The testimony has to show that it is murder in the first degree, and without any mitigating circumstances.

Q. As to the amount of bail, is it small there for murder?—A. The only rule of law which regulates that is the ability of the party. Testimony is frequently taken as to the ability of the party to give bail.

Q. And if he cannot give any, then you let him run, do you?—A. The amount of bail is regulated by the ability of the party to give bail.

Q. And not by the heinousness of the offense?—A. Of course that has to be taken into consideration too.

Q. I am only inquiring as to the state of law and its administration down there?—A. After a case is pronounced to be aailable case, then the only thing left to consider is the ability of the party to give the bail, and the amount is regulated according to his ability to give it, and in cases of negroes or poor white people it is fixed at from five hundred to fifteen hundred dollars usually.

Q. In murder cases?—A. Yes, sir.

Q. So that this thousand dollar bail for this colored man is according to the rule when there is any appearance of murder having been committed?—A. For parties in his financial standing it is about the ordinary amount of bail given.

Q. Do you require any bondsman as to its goodness?—A. The sheriff or justice of the peace who approves the bond is his own judge of that matter.

By Mr. EUSTIS:

Q. Mr. Hackworth has testified here about your trying to create a riot at the polls and cursing him and other people there, and all that sort of thing. State what you know about that.—A. Mr. Moore and I had an exchange of words that were not pleasant. I had been around the voting places that day all day, and about 2 o'clock, I suppose it to be, a question arose as to whether a party had a right to vote at that particular box or not. Some bystander came up and asked me the question, supposing I was familiar with the boundaries of the voting precinct. I was interrogating the party as to where he lived, when Mr. Moore came up and interrupted me and said I had no right to interfere with that voter, and I spoke to him in rather an abrupt manner and told him to attend to his own business, and he reiterated equally abruptly and I told him that if he would go with me fifty yards away from the ballot-box we could adjust our personal differences without interfering with anybody else.

Q. What took place between Mr. Hackworth and yourself?—A. He came up and said something, and I made about the same statement to him and the same statement to Mr. Potter. They all congregated around me in a few minutes, and I told them—we had a good many spats during the canvass, and the state of feeling between us was not very good—I told them if they wanted anything out of me, if they would go fifty yards away from the ballot-box, they could get it.

Q. You state, then, that this was purely a personal quarrel?—A. Yes, sir; it was a personal quarrel entirely. Mr. Moore came up and stated that I had no right to state whether a voter had a right to vote there or not. I made an abrupt reply, and he reiterated in an abrupt manner, and we had a few words that were not very pleasant on either side.

Q. What do you know about some charges that were made against you, that you had paid some forged school vouchers?—A. That was one of the charges that were made against me by these Republican speakers, and I will give you the facts in the case. In the fall of 1884, just about the time of the November election, there were five school vouchers forged. C. R. Breedlove was my predecessor as county judge—

Q. Who was he; I mean politically?—A. To use the language of the negroes, I would call him a "mugworm." He has not got any politics. The only time he ran for office he ran on the Republican ticket, but up

to that time he had claimed to be an Independent. He was the man I ran against in 1884. I say he was my predecessor, and there had been five school vouchers forged. At that time there was no money in the treasury to pay school vouchers. We draw our money from the State, and if it happened to be out of money parties would get their vouchers approved and they would sell them. There were five of those vouchers forged. They were forged just before or just about the time or shortly after I was elected and qualified. They were not discovered until a month or so, about the latter part of December.

By Mr. SPOONER:

Q. They all bore what purported to be your signature?—A. No, sir; they did not. I will explain that for you. They did not bear what purported to be my signature. Those five vouchers were discovered about the last part of December.

By Mr. EUSTIS:

Q. What do you mean by that, that the forgery was discovered?—A. Yes; that the forgery was discovered about the latter part of December. When there is no money in the treasury to pay school vouchers (as was the almost invariable custom) the parties would get the county judge's approval and go to the banks or to any person who had the money and get them discounted. In this case they went to the bank of Giddings & Giddings and sold these vouchers there among a number of others. During the time there was no money in the treasury to cash these vouchers, the banking firm of Giddings & Giddings bought up seven or eight hundred dollars' worth of these vouchers, the vouchers ranging from thirty to seventy-five. Five of those were forged, amounting to over \$300. Three of them had the signature of Mr. Breedlove, my predecessor, forged to them. Two of them had my signature forged to them. Mr. Hackworth and these fellows in their speeches charged that I had been acting in connection with the parties who forged those vouchers, and that I knew all about it and was a party to the theft, when, in fact, three of the vouchers had Mr. Breedlove's name forged to them, and that was done before I qualified as county judge, and only two had my name forged to them. They said in their campaign to the negroes that the negroes had lost that much of the school-fund, when the fact is, that neither the negroes or anybody else lost a cent, except the county treasurer and the banking firm of Giddings & Giddings.

When the vouchers were presented to the county treasurer he paid four of the vouchers before he discovered they were forged. That was his loss; and the next batch of vouchers that were presented, one of them had my name forged to it, and he discovered it and rejected the payment and the banking firm of Giddings & Giddings lost that. The treasurer had to make it good out of his own individual money, and the treasury never lost a cent, and these parties could have found that out if they wanted to. Notwithstanding that they would go about and charge me with being a *particeps criminis* in this theft. Mr. Hackworth, one of the witnesses, stated here also that one of these vouchers had the seal of the county court on it. That was false, because that was a private arrangement between me and the county treasurer, made after these forgeries occurred, in order to prevent any subsequent forgeries. The law did not require me to put a seal on them at all, but after these forgeries I wrote my name on the end of the voucher (there was a place there for the name) and I took the county seal and put it right over that name, and told the county treasurer not to recognize any voucher un-

less my name had been put to it and the seal was put right over the name. That was a private arrangement to prevent subsequent forgeries.

I will state in this connection that after I was elected there were six vouchers of thirty dollars apiece which were presented. Under our school law we have three trustees to each school community. This school was a tolerably large one, and the principal of the school and the trustees had employed a teacher; after the employment of the principal they had employed an assistant. The principal brought in not only his own voucher and swore to its correctness, but he brought in the voucher of his assistant, and drew for six months' work at different times thirty dollars each time. The assistant teacher actually worked three months, and he drew the money for those three months, but he only paid a part of it to the assistant teacher. There were three months that he brought in vouchers and swore to their correctness and drew the money on when the assistant teacher was not in the school-room at all. He put that money in his pocket. But the vouchers had to be signed by these trustees, and a good many of the negro trustees cannot write their names, and they have to make their mark, and a good many of these vouchers had their mark on them, and I approved them after he had sworn to them, and I did not discover the fact until the father of this assistant came to me and told me that she had not been paid her money; and as soon as I discovered that, a complaint was made against the principal, and he is now awaiting a trial for forgery, perjury, and swindling at the meeting of the grand jury.

By Mr. SPOONER:

Q. These men in the campaign charged that you were a *particeps criminis* in these forgeries?—A. Yes, sir; they did.

Q. Did you ever sue them for slander?—A. No, sir; I did not. I would not have been able to get anything out of them if had sued them.

Q. That would have been the way to vindicate yourself if you needed it.—A. But I didn't need it.

Q. You thought it better to drive them out of the county, didn't you?—A. No, sir; I did not.

Q. The making of these charges had a good deal to do with the feeling created in your mind against these men, had it not?—A. Personally those things had something to do with it, as a matter of course, so far as my personal feelings are concerned. But I never did feel any hostility towards Mr. Potter nor towards Mr. Schutze. I had a feeling of contempt for Mr. Schutze.

Q. I didn't ask you about that.—A. You were asking how I felt about it, and I thought it came in at the right place.

Q. He reciprocates your feeling, so far as I understand it?—A. I suppose it is mutual.

Q. You have not refreshed your recollection about the contents of those telegrams, have you?—A. No, sir. I wish to state one or two other things before I go off the stand. There is one thing which has not been inquired about. Mr. Potter stated that he had an interview with me and also with Mr. Bryan, and stated what occurred at that interview. I want to state that Mr. Potter came to me after he had received these notices and said that he did not know whether there was any reality in them or not, but he felt a little apprehensive. He asked me what I thought about it. He told me that he intended to sell out and leave there; that his business was on the decrease, and that he was going to leave anyhow, and asked me if I thought he would be safe there

until he sold. I told him he would; that I didn't believe he was in any danger anyhow. He stated in his testimony that he said I told him if he would sell out right away and go away I thought he would be safe. I made no such statement to Mr. Potter. On the contrary, he said that he expected to sell and leave, and asked me my opinion about his safety or unsafety, and I told him I thought he would not be molested.

By Mr. EUSTIS:

Q. Did Mr. Potter state to you who he thought had written that letter that you speak of?—A. Mr. Potter did not state to me, but he stated to other parties in town there who he thought wrote that letter, so I was told by a party; it was only one individual, a man that he had a good many conversations with.

Q. What is the name of that party?—A. Mr. Fritz Fisher, a butcher in our town, who is here and will testify. He stated and stated around over town that Mr. Potter said that he believed these notices——

By Mr. SPOONER:

Q. If he is here he can testify what he stated about it himself.—A. Very well; I do not care to testify about it. Also, I have left out another negro who supported the People's ticket and who got a notice. I cannot give the exact contents of the notice, but it was sent to a negro named Andrew Jackson. It was a notice of this same kind. He had supported the People's ticket, I believe. I state that Mr. Holle talked to me about his notice, and said he thought it was sent by a personal enemy. I will speak with reference to some of the statements Mr. Schutze made about the Deerson family and about some acts of lawlessness at Burton. I will say that, in regard to those parties, complaints were made against them, indictments were found against them, and the cases were transferred to the county courts, and they were convicted, nearly all of them, and fined in various sums from \$5 to \$25. They were tried by a jury.

Q. What were the names of the men who were fined?—A. Jim Holt and Nick Gentry were the men who were fined. I believe they were tried in two cases apiece, and fined in each of those cases. The fines were assessed by a jury. A man named Dorse Burchfield was also fined for disturbing those festivals, and a man named Giesenslaw was also fined. The four men alleged to have been engaged in these disturbances—wherever there was a charge, indictment, or complaint made against any of them—were tried and fined. Those are the only four against whom charges were made. In the Deerson case he talks about acts of lawlessness. The parties who committed that offense ran away; the sheriff pursued them and hunted them for a week with a posse, and rode all over the country, and did finally capture them and put them in the Brenham jail, and they were admitted to bail, and the case was finally transferred by change of venue from that county to Wheeler County and the parties acquitted.

Q. They make a greater effort to arrest and convict men for assault and battery than they do for stealing the ballot-boxes?—A. They knew who did this, and they would have arrested the others if they had been known or if anybody had offered to make a charge. It was never known or intimated to me in the remotest way as to who was guilty of those offenses, and I could not issue a process without complaint.

Q. You may proceed with anything else you have to say.—A. There was a good deal said about rewards. I will state that neither the sheriff or any county official has any right to offer a reward unless he does it out of his own individual funds.

Q. They often do it, do they not?—A. Sometimes they do it. Sometimes the citizens get together and make up a reward.

Q. And the sheriff often offers a reward, doesn't he?—A. I do not know of any particular case in which our sheriff or any sheriff of that county has done it, except where the citizens tell him that they will make the money good. These gentlemen have also said a good deal about not being able to get justice in the trials of cases in the county court, as far as Mr. Jodon is concerned. They have tried to put me in a false attitude here. I will state that I do not think Mr. Jodon has had a case in the county court since I have been county judge; if he has it has been only one or two at the most. He has not had very many cases in any court since I have been in Brenham.

Mr. JODON. And I stated as a reason for that, that I did not think I could get justice before you; that is my reason.

The WITNESS. I will state in this connection that since I have been county judge, during the two years, I have had eighteen cases carried to the court of appeals, and out of the eighteen cases sixteen have been affirmed, one reversed and remanded, and one reversed and dismissed.

By Mr. EUSTIS:

Q. What court do you refer to when you speak of the court of appeals?—A. I mean the superior court of the State, in which all the cases are carried for final judgment.

Q. How is that court composed?—A. It is composed of three judges.

Q. Are they appointed to office?—A. Appointed or elected.

Mr. SPOONER. I did not make the question that he was not an excellent judge or lawyer.

Mr. EUSTIS. But Mr. Schutze testified on that point in what I consider a very extraordinary way.

Mr. SPOONER. The only point that struck me was a feeling of surprise that so good a judge and so good a lawyer should have known so little about the law of Texas as to the legality of these Republican tickets.

Mr. EUSTIS. He had nothing to do with them.

Q. How is that court composed?—A. It is composed of three judges. I do not know whether they are elected or appointed, but I think they are elected.

Q. How many counties in the circuit?—A. It is the whole of the State.

By Mr. SPOONER:

Q. It is your supreme court?—A. Yes, sir; our supreme court. We have two supreme courts there. We have one where all civil appeal cases are carried from the district court to the supreme court. Our court of appeals is composed of three judges, and all appeal cases, either criminal or civil, that go from the county courts of the State, go to the court of appeals, and all felony cases taken from the district courts of the State go to the court of appeals for final determination.

By Mr. EUSTIS:

Q. What I want to know is how this court of appeals is constituted. Are the judges elected or appointed?—A. They are elected, I believe.

Q. This court of appeals has jurisdiction all over the State?—A. Yes, sir; all over the State.

Q. And is composed of how many judges?—A. It is composed of three judges.

Q. You say there were eighteen cases appealed from your court?—A. Yes, sir.

Q. And sixteen of those were affirmed by that court?—A. Yes, sixteen were affirmed, one was reversed and dismissed, and one reversed and remanded.

Q. I should say that was a pretty good judicial record. Do you want to state anything more?—A. No, sir; I believe not.

By Mr. SPOONER :

Q. How did so good a judge as you admit yourself to be, and as the record of your judicial life shows you to be, happen to issue a commitment committing these negroes to jail on the charge of murder, and at the same time, in the commitment, in advance of any examination by you into the evidence known to the law, assume to admit them to bail in the sum of \$500?—A. Well, sir, in examining cases the only testimony frequently introduced is the testimony taken at the inquest, where it is full, and a judge acts on that. As soon as these parties were put in jail there were an unusual number of them who went down to confer with them——

Q. But how did you happen to issue a commitment; they were in jail?—A. They were in jail there, and the law makes no proper provision for removing prisoners——

Q. Excuse me. They were in jail under a commitment, were they not?—A. Yes, sir, under a commitment.

Q. Made by an authorized committing magistrate?—A. I never saw any commitment, but I suppose they were committed there.

Q. Was any complaint made against them before you?—A. No, sir.

Q. Was there ever any other case that you recollect in your judicial experience, where you issued a commitment committing men to jail without any complaint having been made before you, charging them with an offense?—A. Yes, sir; I know another case, this case of the negro Dan Nelson, for killing those two negroes. I held an inquest——

Q. That is another thing. Here is a case where these men were committed to jail under a commitment of a magistrate and were in jail under that commitment, charged with being accessories to murder, were they not?—A. Yes, sir.

Q. And you, without any complaint having been made before you charging them with any offense of any kind, committed them to jail upon another charge, the charge of murder?—A. I think the charge as drawn was originally murder.

Q. Don't you know about that?—A. I never saw the original complaint, and do not know whether there was any complaint made before Major Vernon, or not, or whether he issued a justice's warrant for them on the testimony taken at the inquest.

Q. That makes it all the worse?—A. It may, in your estimation.

Q. What did you have before you which warranted you in committing them for murder?—A. The only purpose for which that commitment was issued was this: I had talked with those parties in jail that morning, and I had taken this testimony at the inquest and read it. The county attorney had brought it before me and said these parties were in jail and that their cases were bailable, and some authority had fixed the amount of bail.

Q. And in order to fix the amount of bail for these negroes you committed them for a higher offense at the same time?—A. The only purpose I issued that warrant for, at all, was to remove them from Brenham to the Harris County jail for safe-keeping.

Q. While they were in jail, as I understand it, under a commitment

of a magistrate of your county?—A. I suppose they were committed; I don't know whether they ever issued a commitment or not.

Q. And you, without any complaint, committed them for murder?—

A. I issued a commitment to have them carried to the Harris County jail for safe-keeping.

Q. You considered that a valid judicial proceeding?—A. I did.

Q. Do you now?—A. Yes, sir; it accomplished the purpose for which it was issued.

Q. Yes, it secured the hanging of the fellows before they got through with it.—A. That may be your idea of it, but I think Mr. Jodon's habeas corpus proceedings secured the hanging of them, or else they would have gotten out on bail.

Q. Is it the law that whoever applies for habeas corpus is hung?—A. I think it was his advice to them not to make bond or make any effort to get out of jail that did it.

Q. He had a right to advise them to have a hearing on the habeas corpus proceeding, had he not?—A. Yes, sir.

Q. Is it not proper for a lawyer to advise his client rather than to give bail, which is a waiver of examination, to have the testimony taken?—A. It is his unquestioned right to do that.

Q. And the men who follow such advice do not commit a capital offense anywhere except in Texas, do they?—A. Oh, no, sir; not at all. I do not accuse Mr. Jodon of it. You say my commitment resulted in their hanging, but I say it was rather the advice of Mr. Jodon. Had it not been for his advice they would have given bond and got out.

Q. Did you go to them and advise them to give bail?—A. I told them that I thought their cases wereailable.

Q. Didn't you go to the jail and ask them to give bonds?—A. No, sir; I did not.

Q. You never did?—A. No, sir. I went down and told them I thought their cases wereailable and they had better try to get out.

Q. You told them you would admit them to bail in five hundred dollars?—A. Yes, sir; I told them that. I told them they had better try and get bond, but I did not insist on their doing or not doing it.

Q. Is this the statute under which a county judge of Texas admits to bail?

ARTICLE 273. Upon examination of a person accused of a capital offense, no magistrate, other than a judge of the supreme court, a judge of the court of appeals, a judge of the district court, or a judge of the county court, shall have power to discharge the defendant. Any magistrate may admit to bail, except in capital cases, where the proof is evident.

Is that it?—A. Yes, sir; that is it.

Q. Do you recollect any case where you have, without any complaint before you, committed a man to jail for murder or as being accessory at the time for murder?—A. Yes, sir.

Q. Any other than in the case of this man Nelson?—A. That is about the only one I believe.

Q. You were not as anxious that Nelson should get bail as you were that these other ones should get bail, were you?—A. I didn't care whether any of them got bail. I was doing what I conceived to be my duty under the law.

The subcommittee then adjourned until Wednesday, February 23 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *Wednesday, February 23, 1887.*

The subcommittee met pursuant to adjournment at 10.30 o'clock a. m.

Mr. EUSTIS. I desire to have put into the record at this time, as a part of the proceedings, the counter-memorial presented to the Senate by citizens of Texas.

The memorial referred to is as follows :

To the Senate and House of Representatives of the United States of America :

At a meeting of citizens of Washington County, Texas, held in the city of Brenham on the 8th day of February, 1887, which meeting was composed of both Republicans and Democrats, the following memorial to your honorable bodies touching the petition of S. A. Hackworth, J. L. Moore, and Carl Schutze, which has lately been referred to the Senate Committee on Privileges and Elections for investigation, was unanimously adopted.

Inasmuch as the Senate has assumed jurisdiction to inquire into the administration of the local affairs of Washington County, Texas, we respectfully request that the committee having charge of said matter be sent to this county, where a full investigation can be had by an examination of all the witnesses, and an inspection of the county records.

The civil authorities of Washington County and its citizens generally are charged with the commission of grave offenses against the penal laws, including murder, election frauds, and other crimes.

Confident that a fair investigation will result in a triumphant vindication of the good name of this county and its civil authorities, and feeling assured that your honorable bodies will not be made the instruments of fastening upon innocent parties the foul aspersions brought against them by disappointed and desperate political adventurers, without a fair opportunity to be heard in their just defense, we submit the following counter-memorial, which we pray may be considered in connection with that of said Hackworth, Moore, and Schutze.

Upon analysis the petition of said parties will be found to consist for the most part of vague general charges against parties neither named nor identified, and without specification of times, places, or circumstances, such as to fairly entitle it to consideration at the hands of an intelligent body, or to require the parties supposed to be assailed to answer ; but your memorialists earnestly hope and believe that more will not be required of them than to declare, as they do, that such general charges are wholly destitute of truth.

It is not true that there was any conspiracy to hang the negroes, usurp the offices, or to banish citizens from the county.

The remainder of the petition is devoted to : First, alleged personal grievances of the petitioners themselves ; second, to alleged offenses against other persons on account of their political sentiments and affiliations ; third, to alleged offenses in connection with the election of November 2, 1886 ; and fourth, to the alleged refusal of the local civil authorities to protect the lives and property of petitioners and others, and their alleged complicity in the crimes and offenses of their party associates. The purpose of this memorial will be to meet these issues.

The matters of personal grievances complained of by said petitioners are, many of them, untrue, and others are grossly exaggerated, and so far as they have any foundation in fact are the direct and legitimate result of the odium in which the parties are held, not because of their political sentiments, but because of their own personal misconduct as individuals.

It is not true that the petitioners are now refugees from their homes on account of political persecutions, as alleged by them.

There has been for a long time a strong feeling on the part of the good and law-abiding citizens of Washington County against the petitioners on account of their corrupt political methods, their dishonest administration of the affairs of the county, and their incendiary appeals to race prejudice in order to array the colored voters against the white.

For many years the tax-payers of this county have been plundered by these men and others who have been elected to office by the vote of ignorant colored men.

The petitioner, S. A. Hackworth, was for several years a justice of the peace in said county, and presiding member of the police court, which had the management of the county affairs. This court made improvident and extortionate contracts for the erection of bridges and other works with one M. M. Hackworth, who was the father of said S. A. Hackworth, and perpetrated many other wrongs upon the tax-payers in the illegal and extravagant use and conversion of funds belonging to the county. Reference is made to the report of the grand jury at the February term, 1874, of the district court of Washington County, which is hereto attached and made a part of this memorial (A) to show that the father of Hackworth profited from his son's official

position. Indictments were frequently returned against Hackworth, both in the State and Federal courts, but he has always escaped conviction. Certified copies of the records from the courts are attached, which show that these indictments were generally quashed or dismissed (B).

R. A. Harvin and C. C. Leib, who were both elected, the one as tax-collector and the other as treasurer, on the Republican ticket by the efforts of the petitioners, made default in large sums of money. Both were indicted; the indictments against Harvin were quashed, but Leib was convicted after a change of venue, and is now serving a five years' term in the penitentiary.

Hackworth by vexations and petty prosecutions, extortion in fees, in taking money to suppress prosecutions, and in many other ways while justice of the peace; Schutze by corrupt administration of his office, and oppressive use thereof in prosecutions of petty offenses to extort fees; and Moore by his arbitrary manner and bitter canvasses, rendered themselves odious and obnoxious personally to many people.

The good people of Washington County, growing tired of the continuous mismanagement of public affairs, united irrespective of parties, and at the election of 1884 the Republicans were defeated for the county offices by the combined vote of Republicans and Democrats voting a People's ticket. Many colored men voted the People's ticket. Hackworth, Moore, and Schutze conducted a most bitter and outrageous canvass for the county offices in 1886; while Schutze alone was a candidate, Moore and Hackworth, as it is charged, were promised positions as deputies. Schutze made vile and infamous attacks on good citizens through his newspaper, and Hackworth, Moore, and other leaders sought to array the negroes against the whites by appealing to caste prejudice and denouncing the white men supporting the People's ticket for denying them social equality. Appeals were made with the bitterness of despair.

Moore had more than ten years previously failed in business as a merchant, at which time he was a Democrat; he entered the Republican party for office, was employed as deputy county clerk, was elected district clerk in 1876, and was sheriff in 1882 and 1883. In 1884 he was defeated, and when the fall of 1886 came on he was without employment, destitute of means, and badly in debt. He had made an improvident purchase of a homestead, and was utterly unable to pay a balance of purchase-money thereon.

It is not true, as alleged by him, that he "owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated, and earning a comfortable living for his family."

He sold his homestead for its full value, and removed to Los Angeles, Cal.

Hackworth has been a political agitator and leader of the negroes ever since about 1869; not for their elevation and good, but for his own private ends.

He has always sought to array them against the whites, and held office until he became so offensive personally that he was defeated, and his own party dared not put him up again; he has since been an office broker rather than a dealer in real estate. He is now and always has been insolvent. It is not true that he "owned real and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family." The affidavit of the widow of his brother, John M. Hackworth (C), who was postmaster at Brenham, which is attached hereto, will show that he not only lived upon his brother but seeks to defraud his brother's widow.

Schutze, it is believed, came to Brenham about 1871, as alleged by him. We are informed that he was the keeper of a restaurant in the city of Austin before he came to Brenham. He was there arrested under the charge of swindling, and after several weeks of imprisonment was released after being made to disgorge.

He was elected county attorney of Washington County on the Republican ticket, and was a candidate for re-election, but had become so offensive that he was defeated by his Democratic opponent in 1880.

He became so obnoxious to the colored citizens of the county for his corrupt and oppressive use of his office that his Democratic opponent defeated him in precincts where a large majority of the voters were colored. He is insolvent and worthless. His newspaper, the *Staats Zeitung*, had a precarious existence, and was mortgaged for all that it was worth. His habits are low and dissolute. He is a moral leper. It may be true that he left Brenham as alleged by him, but it is denied that he was compelled to leave, and that there was any attack upon him as he was leaving. He was in Brenham long after the election, and on several occasions used insulting language against good citizens who had opposed him during the campaign. He was in Brenham on the day that his petition to Congress was published here.

Certificates of the tax collector of Washington County, attached hereto, show how these parties appeared upon the tax rolls. (D, E, F.)

It will thus be seen that these men were personally odious and offensive, and if they received the indignities which they allege they received, which is denied, it was due to their personal characters, and not to the fact that they were Republicans.

II.

It is not true, as stated or implied in said petition, that the hanging of the parties named therein was done on account of the political affiliation of said parties or "to prevent Republicans from securing their political rights and privileges in said county."

At Flewellen's Store, an election precinct in the Washington justices' precinct, on the night of the election, as the count of the vote was progressing, M. D. Bolton, a white man, about twenty-eight years of age, married, son of the People's candidate for county commissioner in that precinct, was shot down and killed by a colored man named Polk Hill, as he was entering the door of the room. A certified copy of the evidence taken at the coroner's inquest, which is attached hereto (G), will show that Bolton was not disguised, as charged, and while one witness says he had a pistol in his hand, others stated that he was unarmed and came in a quiet manner. No one accompanied Bolton; he lived near by. Every one fled from the scene of murder except one person, who, after Bolton expired (which was almost immediately), went for assistance. At the inquest the next day the ballots were noticed lying scattered on the floor.

The negroes, Alfred Jones, Shad Felder, and Stewart Jones, and five others, who were present with arms, were arrested and brought to Brenham and put in jail. Polk Hill, who did the shooting, escaped, but was afterward arrested. There was very great excitement throughout the county over the killing of Bolton, and especially in the Washington precinct, where he lived. It was ascertained that Alfred Jones and Shad Felder had, upon the advice of two white Republicans, gone through the neighborhood on the day of the election and raised an armed squad of negroes to guard the ballot-box, and that Stewart Jones was about to shoot at the other white men present, who were officers of the election, but was prevented.

The commissioners' court of Washington County fearing, on account of the excited condition of affairs arising from the killing of Bolton, that violence would be done to the negroes under arrest, ordered them to be taken to Houston, in Harris County, for safe-keeping, which was done. When Polk Hill was arrested he was taken for safe-keeping to Milam County, where he is now in jail.

After the arrest of the said Polk Hill and his incarceration in the Milam County jail, it was thought by the authorities that it would be safe to bring those in the said Harris County jail back. But soon after they were brought back Alfred Jones, Shad Felder, and Stewart Jones were taken from jail by a mob and hung. It is learned that the jailor, J. F. Estis, was induced to open the outer door, by a ruse (see his affidavit attached hereto, H). He was shoved behind the door, something thrown over his head, and guarded by two men. He recognized no one, but they were disguised, as mobs usually are.

That the prisoners were voluntarily surrendered is false. There is no kuklux or other secret organization for the perpetration of political or other outrages in Washington County, or in the State of Texas, so far as we know or believe.

Bolton was alone, unarmed, and not disguised at the time he was killed. The killing was an atrocious murder, committed by an ignorant and brutal negro, who if not instigated was made the instrument by white men who were supporting the Republican ticket and were professed Republicans.

That a mob should have hung all the negroes who were present at the polls armed under the circumstances could not have been a great matter of surprise in any State in the Union. That the three negroes were hung to suppress their testimony, as charged, is not true; for the testimony taken at the inquest over Bolton shows that the only witness who testified that Bolton was armed was spared by the mob, although a prisoner in the jail at the time the others were taken out. All of these negroes had been offered bail by the civil authorities. They were told that their cases were bailable, and asked to procure it; but it is said that on the advice of their counsel they refused it.

III.

It is not true as stated in said petition that at the election held November 2, 1886, in Washington County, "a perfect reign of terror existed in said county, caused by armed bands of white ruffians who, by violence and by the destruction of ballot-boxes at Graball, Flewellen's, and Lott's Store election precincts, prevented the free and fair expression of suffrage by the citizens of said county, whereby men in whose interest these crimes were committed were declared elected who were not in fact elected, and by the most shameless and unblushing frauds the election was made a farce."

The election held in this county on November 2, 1886, was peaceable and quiet. There were two tickets in the field for county offices, the Republican and the People's ticket, the latter being composed of, and supported by, both Republicans and Democrats. It was an issue of good citizens of both parties on the one hand, who wanted an honest administration of county affairs, and political adventurers on the other,

who were making strenuous efforts to recover the control of the county which they had lost two years before.

Interest in the race centered on the office of county judge, the most important office in the county. Lafayette Kirk was the people's candidate, and Carl Schutze, one of the petitioners, was the Republican candidate. Schutze was unpopular with the negroes, but great efforts were made on the part of Moore and Hackworth and other leaders to draw the color line for the negro support, and to attract as great a German vote for Schutze as possible on account of his nationality.

It is denied, however, that the return of the votes cast at all of these precincts would have changed the result as to a single office. Indeed such was the vote at Graball that it may be fairly presumed that the seizure of the box there was done in the interest of Schutze. He was defeated at that box by his Democratic opponent, A. G. Haynes, for county attorney, in 1880. Judge Kirk, who was elected county judge in 1884, received 130 votes out of 345 votes cast then. And it appears from the poll-lists and tally-sheets of the election of 1886 that out of a total vote of 341 polled at this precinct 221 had been counted for county judge when the ballot-box was taken, of which Kirk had received 116 and Schutze had received 105.

Ross, the Democratic candidate for governor, had received 40 votes and Cochran, the Republican candidate for the same office, had received 184 votes. About 70 straight Democratic votes for governor were usually polled at this precinct, so the proportion was fair and indicated a majority for Kirk in this box of nearly 20 votes. It is hardly probable that the friends of Kirk, the People's candidate for county judge, would have sought to destroy the ballot-box when he had received a majority of the votes cast thereat, and at a precinct where Schutze was most unpopular among the colored voters.

IV.

It is denied that petitioners made application to the local civil authorities to protect their lives and property or the lives and property of others; and that there was any complicity whatever on the part of the local authorities in the alleged crimes and offenses of their party associates.

There will be found attached hereto the certificate of Hon. I. B. McFarland (I), judge of the twenty-first judicial district, composed of the counties of Washington, Lee, and Burleson, and whose residence is at Brenham, that no application was made to him by either of the petitioners for protection. Judge McFarland is a Republican. There are also attached similar certificates from J. C. Muse, esq., district attorney, Lafayette Kirk, county judge, B. S. Rogers, county attorney, and N. E. Dever, sheriff (J, K, L, and M).

It is learned that a militia company was ordered from the town of Navasota, in Grimes County, to the Washington precinct on the occasion of an alarm a few days after the election, on application to the governor of this State, by a telegram sent in good faith by Mr. J. H. Roberts, a conservative and prudent citizen of that precinct. No such acts as are charged were committed by said State troops.

The election precincts—Graball, Lott's Store, and Flewellen's Store—are from 15 to 20 miles from the county seat at Brenham, and are situated in Washington justice precinct, the old town of Washington, on the Brazos River, giving name to the precinct. Navasota is across the river, in Grimes County, some 6 or 8 miles, and is on the Central Railroad. It is a river country, and has a large negro population; the negroes largely outnumber the whites. During the excitement following the killing of Bolton many rumors were current in the community, and although we believe there was no danger to be apprehended from the negroes, yet we also believe there was a genuine alarm, which caused an appeal from citizens in that community for aid. This was the cause of the militia company being ordered from Navasota, as we believe.

It is further denied that the citizens of the county in any manner terrorized the county, either alone or with said militia company.

A public meeting of the citizens of Washington County was held just after the killing of Bolton, and both by speakers and resolutions denounced and advised against mob violence.

It is not true that the petitioners have been compelled to leave their homes under serious threats of assassination and abandon their property or accept for it such prices as were proffered them.

The petitioner, J. L. Moore, was compelled to sell on account of the vender's lien on his homestead. He told Mr. A. F. Felder, the gentleman to whom he sold, that he had received no warning to leave, and that he left of his own accord. (See affidavit of A. F. Felder, attached, N.)

A day or two after the hanging of the negroes the petitioners, Hackworth and Schutze, approached a Democrat, Lewis R. Bryan, who was not, is not, and has never been, a member of the Democratic executive committee, and proposed to leave the county if any one would buy them out. Hackworth wanted for his homestead, the

only property he had, \$1,000 in cash, the purchaser to pay all taxes, amounting to about \$150. The land had been sold for the taxes due thereon, as per statement hereto attached. Schutze desired that his purchaser should pay off the indebtedness on the paper and pay him about \$300. A purchaser was found by Mr. Bryan for Hackworth's homestead, but no one could be found to buy out Schutze.

No member or members of the Democratic executive committee escorted Hackworth to the depot to prevent his being mobbed or murdered. No armed bands of ruffians collected in the city for the purpose of murdering him in case he should refuse to obey the demands of the Democratic executive committee, requiring him to leave the county. No such demand was ever made by the Democratic executive committee.

We deprecate and condemn lawlessness in whatever form it may appear; we offer no justification for it; but we deny that the petitioners were compelled to leave this county by any person whomsoever, although it would be unjust to hold a party or any great body of citizens responsible for the acts of a few individuals. How utterly unreliable the testimony of such men must be. That law-abiding citizens, of whatever race, color, or politics, are as safe in this county as anywhere in the United States is a fact that no fair-minded man will question upon a full and fair investigation.

Our citizens feel the gravity of the charge against them, not because of the authors, but because of the dignity that has been lent to them by the United States Senate.

We do not believe that a full investigation of the charges can be had in Washington City, and we earnestly ask (in our right as citizens of the United States) that your committee visit our county, where persons and papers can be easily had the importance of which may only occur pending examination of witnesses.

Respectfully submitted.

BREHAM, February 8, 1887.

WILLIAM THOMPSON, Esq.,
Chairman Citizens' Meeting:

SIR: Your committee on memorial respectfully beg to submit herewith a draft of such memorial.

Henry Hoddo, C. C. Garrett, Henry Smith, J. T. Swearingen, F. A. Engelke,
Committee.

W. W. Searcy, Lafayette Kirk, T. J. Pampill, William Axe, E. R. Young, J. N. Brown, B. F. Robertson, W. A. Lockett, W. H. Bassett, att'y, J. R. McDade, J. G. Rankin, D. C. Williams, Jno. Lewis, J. W. Blackburn, T. Gearth, Oscar Samuel, P. W. Hunt, O. B. Hughes, E. Pennington, Alex. Simon, H. Hancock, Jno. Day Jackson, W. H. Flynn, H. K. Harrison, Jehu McGuire, Thos. P. Botts, J. B. Vankess, E. Henry, C. T. Helves, W. B. Pressley, W. H. Thomas, J. P. Carrington, F. Kiber, John A. Randle, D. C. Giddings, R. Lohman, J. McFarland, W. B. Garrett, W. H. Vinson, Wm. Reny, R. A. Dashiell, W. H. Murphy, Frank Dobert, J. F. Estes, L. Groce Gel, Jno. Levin, W. M. Aven, E. B. Randle, St. J. Montgomery, W. Wilkins, Jos. Tristram, W. Lusk, Lem Blake (his x mark), Gus. Hopkins, T. A. Baker, A. Stilgig, L. Lindsay (his x mark), Willis Bigbee, Aug. Lindemann, Algie Hunt, Stephen Randle, R. E. Goober, F. Fisher, F. C. McIntyre, Lee Wilson, C. F. Herbst, Beaure Jerd. Bryan, E. Keidrardt, E. C. Abbott, E. Rouse, E. L. Salley, J. A. Wilkins, J. Bloomberger, W. A. Wood, B. Renidge, F. A. Engelke, Wm. Thompson, Lewis R. Bryan, H. M. Lewis, D. C. Giddings, jr., F. W. Schuerenberg, J. H. Graham, A. F. Felder, G. W. Graham, Moses Austin Bryan.

TESTIMONY OF WILLIAM CAWSE.

WILLIAM CAWSE, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your age?—Answer. I am forty-five years of age.

Q. What is your business?—A. I am a farmer.

Q. Where do you reside?—A. In Washington County, Texas.

Q. Were you one of the officers of election in November, 1886?—A. Yes, sir; last November.

Q. Were you summoned as a witness here?—A. Yes, sir.

Q. By which side?—A. By the Hackworth side, I suppose; the Republican side.

Mr. TELLER. There cannot be any side about it. He is a witness on one side as much as the other.

Q. What office did you hold on the day of the election?—A. I was one of the clerks of the election.

Q. At what box?—A. At Flewellen box.

Q. Were you there all day?—A. Yes, sir.

Q. How was the election, quiet?—A. Yes, sir; very quiet.

Q. Orderly?—A. Yes, sir.

Q. Was there any disturbance?—A. No, sir; not during the day.

Q. I mean during the day.—A. No, sir; there was none.

Q. What did you have to do with the counting of the votes?—A. I was marking and tallying the votes on the tally sheet.

Q. What time did you begin to count them?—A. At about a quarter or twenty minutes after 6.

Q. How long did you continue tallying?—A. Until half past 11.

Q. State what occurred then.—A. Well, everything was quiet up to half past 11, when there came a knock at the door, and Mr. Rodgers, who was lying on the bed, called out, "Come in," and the door opened. I do not know whether it was opened from the inside or the outside; I did not pay much attention to that, and some one stepped to the door and I still had my eyes on the tally sheet and didn't pay any attention to the knock at first.

Q. In what direction were you facing?—A. I was fronting the door where the knock came.

Q. That is, you could look towards it without turning around.—A. Yes, sir.

Q. Proceed in your statement.—A. In the course of a few seconds, a minute, perhaps, a gun fired, which made every one in the room scatter. I started to run out of the door at my back, which I was sitting close to, and as I got to the door I saw the barrel of a gun pointed in and I immediately turned back again.

By Mr. TELLER:

Q. You ran out of the back door?—A. The door at my back.

Q. Out of the door where these men came in?—A. No, sir. Every one had left the room then except Mr. Rodgers, who was lying on the bed and the freedmen who were under the bed, and as quick as I could I got out of the other door. I did not see the man lying on the floor until I turned to go out. I did not see Mr. Boulton fall, or anything of that kind. From there I went home. I live about 300 yards from there.

By Mr. EUSTIS:

Q. You turned back and went out of the other door?—A. Yes, sir.

Q. Did you see the man who was killed?—A. Yes, sir; I saw him lying on the floor after I had started to run. I did not see him fall.

Q. What part of the room was he in when you saw him when he was killed?—A. His head was lying along the threshold of the door with his feet inside. He looked like he might have made a step or two inside of the door when he was shot down.

Q. Had you seen him before?

The WITNESS. Do you mean that evening?

Mr. EUSTIS. Yes.

A. No, sir. I just saw a man enter the door. I do not know whether it was the man who was shot or not. I did not see him fall, but I suppose it was the same man.

Q. Did you know Boulton?—A. Yes, sir,

Q. You say you had not seen him before?—A. Not until he opened the door; not that evening.

Q. How long was it between the time when he opened the door and the time when he was shot?—A. I don't suppose it was a minute; it could not have been, it was done so quick after the door opened.

Q. Do you know whether he was masked?—A. I do not; I didn't see any mask. He had on one of those water-proof coats.

Q. Did you see his face?—A. I do not remember seeing his face that night at all. I didn't pay any attention to it. We were so badly scared that we were for getting out of the room as quick as we could. I was expecting to get a shot every moment after I saw that muzzle of the gun stuck in the door. I never paid any attention to anybody and never went back there until the next morning.

Q. Were you in that room from the time you commenced counting until the shooting occurred?—A. Yes, sir; I do not think I got out of my chair for the five or six hours I was there.

Q. Did you see any armed men, masked men, come into that room?—A. No, sir; I didn't see any arms or any masks.

Q. Did you see any men who were masked and in disguise come into that room?—A. No more than I saw the water-proof overcoat; that is all I saw about it.

Q. Did you hear anybody order anybody else to throw up their hands?—A. No, sir, I did not hear anyone speak.

Q. You did not see any arms or pistols?—A. No, sir.

Q. As you ran out, did you see anybody with a gun in his hand?—A. I ran out of the other door, and I did not see the man who was behind the gun, and it was dark outside; the moon had been gone down about half an hour. I just saw the barrel of the gun.

Q. Had Polk Hill been in the room that evening?—A. Yes, sir; he was in there all the evening.

Q. When did he go out?—A. As soon as the knock was made at the door, I think. He was sitting to my left just before. I was not paying much attention to that.

Q. Did he go out the same door where the knocking took place?—A. No, sir; he went out the other door where I started to run out, the front door of the house pointing north, fronting north.

Q. When did you go back there?—A. I went back there, I reckon, about 8 or 9 o'clock the next morning; about 8.

Q. Did you see the body of the dead man?—A. Yes, sir.

Q. Did he have any mask or disguise on his face?—A. No, sir. I think there was a handkerchief just laid over his face, and he still had on a waterproof coat. The handkerchief was bloody and there was a very large pool of blood lying under him.

Q. Who was in that room at the time of this occurrence?—A. There was myself, Mr. Robertson, the presiding officer; Robert Wright, one of the judges; Lewis Pennington, one of the judges, and Tom. Jones, the other clerk. There was Shad. Felder, a colored man; Felix Kinlow, and Handy Hays; I think that was all. I do not remember now any others. I think I left Felix under the bed, or they said it was Felix. I saw the legs of a colored man under the bed as I went out, and Mr. Rogers was lying on the bed. I begged him to get up and come out as we were in danger, and he got up off the bed and ran out of the door and I followed him.

Q. What was the general impression as to the killing of Boulton?—A. The freedman around there said that Polk Hill done the shooting.

By Mr. TELLER :

Q. That was said by the colored people, was it?—A. Yes, sir.

By Mr. EUSTIS :

Q. Were there any arms outside on the gallery?—A. I didn't see any, but I heard there were four or five guns.

By Mr. TELLER :

Q. Never mind what you heard.—A. I never saw any arms except the one pointed in the door. I did not see and did not know where the shot came from at the time, it was done so quick.

By Mr. EUSTIS :

Q. Did you recognize Boulton as soon as he came into the door?—A. No, sir; I didn't know it was him until next morning, when I was told it was. I was not paying any attention; I didn't even see the man fall. I was in there about five hours looking at that tally-sheet, and I was very nearly worn out. It took us all the time to count 69 votes, the tickets were so badly scratched; that is the reason it took us so long. We had to count them singly and to call every name.

Q. How many votes did you count?—A. I think there were 69 votes counted up to that time.

Q. About how many were polled?—A. I think about 159, maybe, or something like that; I am not certain as to the number that was polled, but I think it was 159.

Q. How many votes did you tally?—A. We tallied 59 or 60, I am not certain which.

Q. Do you know how many of those votes Judge Kirk received?—A. No, sir, I do not know exactly how many; but there was but very little difference, I think, in the vote for the county judge.

Q. There was very little difference in the vote cast for Judge Kirk and the vote cast for Mr. Schutze?—A. Yes, sir.

Q. How many of those tickets of the whole number, 159, were partly scratched tickets?—A. I cannot tell you.

Q. There was a good deal of scratching?—A. There was a good deal of scratching on the tickets we tallied. We took them out first so as to get the scratched tickets first, and the balance of the tickets of course I do not know anything about; they were in the box.

Q. What became of that tally sheet?—A. I do not know. I left it on the table.

Q. Did you ever see it afterwards?—A. No, sir.

Q. What became of the ballots?—A. I cannot tell that, either. The last I saw of the box, Mr. Robertson, the presiding officer, had it when the shooting commenced, that is the tickets that were not counted, and Lewis Pennington, the other judge, had the fifty-nine tickets that were counted, in a small paper box in his hand, when the shooting commenced. What they done with them I cannot say.

Q. Did you see them scattered on the floor the next day?—A. There were a good many tickets scattered on the floor, but whether they were tickets that were balloted or not, I cannot say. I never examined them to see if they were numbered or not. Everything was in a sort of flurry the next morning.

By Mr. TELLER :

Q. How long have you lived in Texas?—A. I have been in Texas about twenty years.

Q. Where did you go from to Texas?—A. I came direct from England, from Liverpool to Galveston.

Q. Did you come directly from England to Texas?—A. Yes, sir; directly from Liverpool to Galveston.

Q. What are your politics?—A. I have been voting the Democratic ticket ever since I taken out my naturalization papers up to about two or three years ago when this People's ticket came out, and I have voted that since.

Q. You voted the People's ticket at this last election?—A. Yes, sir, at the last election.

Q. It was very quiet and orderly all day, was it?—A. Yes, sir.

Q. Was Mr. Boulton about there during the day?—A. I saw Mr. Boulton there in the morning before the polls were open.

Q. Did you see him later?—A. No, sir.

Q. Where were you all day?—A. In the house where the election was held.

Q. You do not think he was there after the polls were open?—A. No, sir.

Q. What time in the morning was he there?—A. At about 8 o'clock; before the polls were open.

Q. What was he doing?—A. I do not know. He was there before I went up from my house.

Q. It was not his voting place?—A. No, sir; I think he voted at the box at Graball.

Q. Was he armed when you saw him?—A. Not that I saw.

Q. Do you know whether he was armed or not?—A. I do not know.

Q. Everything went along as usual?—A. Yes, sir; until about half past 11 o'clock.

Q. You picked out all the scratched tickets first?—A. Yes, sir; Mr. Robertson, the presiding officer, picked them out, so that after we got through with them we could count the others by tens and twenties at a time.

Q. About what number of People's tickets did you find in there?—A. That I do not know.

Q. You can tell about how many, can you not?—A. No, sir; I didn't pay attention to it. The People's tickets were pretty much the straight tickets and we had not come to them.

Q. You had many of the straight tickets in all on both sides, didn't you?—A. When we first started we might have counted 10 or 15, or something like that.

Q. And in that 59 or 60 tickets how many votes were given for Judge Kirk?—A. That I do not know. I cannot say.

Q. You said it was about even?—A. Yes, sir.

Q. Then, how many did he have?—A. He had about 59 or 60, I think.

Q. All told?—A. Yes, sir; about 59 or 60.

Q. Can you state how many he had?—A. No, sir; I cannot.

Q. You do not know how many he had?—A. No, sir; I do not think there was much difference in the way they were running.

Q. He was running on the People's ticket?—A. Yes, sir.

Q. He was a Democrat, wasn't he?—A. I suppose so; yes, sir.

Q. Then you commenced at half past 6 to count the votes?—A. I think it was a quarter or twenty minutes past. We closed the polls at 6 and I stepped down to my house to get some oil to put into the lamp and we started as soon as I got back and we lit the lamp.

Q. It was about half past 11 when you heard this knock at the door?—A. Yes, sir, about half past 11.

Q. You did not look out to see who was coming?—A. No, sir.

Q. You did not anticipate any trouble?—A. No, sir, none at all.

Q. Did anybody run out of the house at that time when the knock came on the door?—A. I think Polk Hill went out.

Q. Who else beside Polk Hill went out?—A. I don't know that any one did until the shooting commenced.

Q. The shooting commenced almost immediately when they came in, did it not?—A. Yes, sir, I don't suppose it was a minute afterwards.

Q. What kind of a knock was it on the door?—A. I cannot say.

Q. Was it a light or a heavy knock?—A. Just a light knock.

Q. Did anybody go to open the door?—A. I don't know whether it was opened from the inside or whether Mr. Boulton opened it himself. I remember hearing Mr. Rodgers, who was lying on the bed, say "Come in."

Q. How many men came in then?—A. I didn't see but one, Mr. Boulton.

Q. You didn't see him, did you?—A. I saw some one at the door.

Q. Did you know it was Boulton?—A. No, sir.

Q. How did you know it was Boulton at any time?—A. He was lying there dead the next morning, and I suppose it was him.

Q. He might have come in later, might he not?—A. No, sir; I reckon not. He was lying there when I went out.

Q. When you ran out you knew it was Boulton?—A. I saw a man lying there when I ran out, but I didn't know who it was.

Q. You didn't attempt to find out who it was?—A. No, sir; I was too badly scared.

Q. You went out of the back door?—A. Yes, sir.

Q. What kind of a gun was sticking in the back door?—A. It was sticking in the front door. I started to run out of the front door and turned back and then ran out of the back door.

Q. Was there a crowd in the front door?—A. I could not see any one.

Q. Was it a pistol or a gun that you saw stuck in?—A. It was a gun-barrel, but what kind of a gun I couldn't say.

Q. Was it a shotgun?—A. I could not say.

Q. Where was it sticking in the door?—A. Just about level with the door, and I ran against it.

Q. Then you ran back?—A. Yes, sir. By that time the others had all got out of the room, except Rodgers, who was lying on the bed.

Q. Did anybody come in with Boulton at all?—A. Not that I saw.

Q. Did you see anybody as you undertook to run out?—A. No one; I could not see any one or did not see any one.

Q. Do you mean to say that Boulton was the only man who came in at that time?—A. So far as I know, he was.

Q. Where was Boulton hit?—A. The load went into the right eye, a load of squirrel-shot, it appeared to me.

Q. Then he must have been shot from the front?—A. From the front, I suppose, of course.

Q. He was advancing towards you?—A. Yes, sir.

Q. Then he must have been shot by some one behind you, must he not?—A. Yes, sir, I suppose so.

Q. You did not see anybody do the shooting?—A. No, sir.

Q. Was it apparent that somebody had been close to him when he was shot, or some distance away; could you tell whether the shot was from a distance or close by?—A. I don't suppose it was more than 12 or 15 feet away.

Q. How large was the room?—A. The room was about 15 feet square, I reckon.

Q. Did the back door open out on the street?—A. No, sir; the back door opened into the room.

Q. Into another room?—A. Into the room we were in. I think it opened on the inside.

Q. I do not mean that. But when you stepped out of the back door did you step into the street?—A. No, sir; I stepped onto the back gallery.

Q. There was no other room there and you stepped out into the open air?—A. Yes, sir; There was no side wall to it, but there was a roof overhead on the back gallery.

Q. Was Boulton's face visible when you saw him that night?—A. I didn't pay any attention to it.

Q. What time did you go back there the next morning?—A. I reckon about 8 o'clock.

Q. Was he lying just about as he was the night before?—A. I think he was. I didn't pay much attention to him that night.

Q. He had a pocket handkerchief over his face?—A. The next morning I think it was a handkerchief over his face, but I would not be positive about that; I think it was a handkerchief.

Q. The coroner had not got there then?—A. I don't know whether the coroner was there when I got there or not; I cannot say.

Q. You say he had on a water-proof coat; what color was it?—A. It was a yellow coat.

Q. Was it a rainy night when he came there?—A. No, sir.

Q. Was it a moonlight night?—A. It had been moonlight up to about 11 o'clock.

Q. And the moon had gone down?—A. Yes, sir; it had.

Q. You did not hear him say anything?—A. No, sir; not a word was spoken.

Q. Did you see any arms?—A. No, sir.

Q. What time did this colored man crawl under the bed?—A. He went under the bed as soon as the shooting commenced; I suppose as soon as the gun fired. I saw his legs under the bed while I was dodging around there.

Q. Rodgers was lying on the bed?—A. Yes, sir.

Q. Did he get up when the shooting occurred?—A. No, sir; he was lying on the bed up to the last; and I begged him to get off and run out, and he said he was too scared to get off the bed.

Q. Did he say that at the time?—A. He said that after we got outside. We jumped over the back-yard fence into the pasture, and staid out there several minutes listening if we could see or hear anybody, but we did not. I live 200 yards from there, but I suppose I went around a half a mile to get home.

Q. You say that the colored people say that Polk Hill did the shooting?—A. Yes, sir.

Q. Did you see Polk Hill have a gun there?—A. No, sir; I did not know that he had any.

Q. When he went out of the house he didn't have a gun?—A. No, sir.

Q. Had you anticipated any raiding of this ballot-box?—A. No, sir; not a bit.

Q. There was no talk about it?—A. No, sir; I didn't hear a word of it; it took me by surprise; I was never so badly scared in my life.

Q. Do you know anything about whether Boulton had a pistol or not?—A. I do not know.

Q. Did you see a pistol around the next day, said to be Boulton's?—

A. No, sir.

Q. You didn't hear anything about that?—A. No, sir.

Q. Did you understand that he was disguised when he came in?—A. No, sir.

Q. You never heard that before?—A. I heard since—

Q. Didn't you hear it the next day?—A. No, sir; I didn't hear it.

Q. What has become of Polk Hill?—A. I don't know where he is.

Q. Was he one of the men who were hung?—A. No, sir.

Q. Who were the men in that neighborhood who were hung?—A. I have heard that Shad Felder was hung, and Alfred Jones, and I think Ephraim Jones.

Q. The two Joneses?—A. Yes, sir, and Shad Felder.

Q. Were three or four men hung?—A. Three, I heard.

Q. Were the Joneses there that night?—A. Ephraim Jones was there. I don't know that Alfred Jones was; I didn't see him.

Q. What was Ephraim doing?—A. I don't know; he was not doing anything when I saw him.

Q. Was he in the house when the shooting took place?—A. I don't think he was.

Q. He had been there during the evening, had he?—A. Yes, sir; he had been there.

Q. Was he armed?—A. Not that I know of; he might have been.

Q. Do you know where he was when the shooting took place?—A. No, sir.

Q. You do not know anything about it?—A. No, sir.

Q. You are impressed with the fact that it was a very peaceable election, are you?—A. It was up to half-past eleven o'clock; it could not have been quieter. I don't think we took ten votes after two o'clock in the evening.

Q. The people had mostly voted in the morning?—A. Yes, sir.

Q. Do you know how the ballot stood?—A. No, sir; I could not tell.

Q. Had you formed no impression about it?—A. No, sir; I didn't feel enough interested in it.

Q. Do you say now that Boulton was not masked and had nothing over his face?—A. Nothing that I saw.

Q. Have you ever stated to anybody that he was masked?—A. No, sir.

Q. Didn't you state about Christmas to Mr. Hodgsons and Mr. Flewellen that he had a mask on?—A. No, sir.

Q. You never said anything of the kind at that time?—A. No, sir.

Q. Do you know Mr. Flewellen and Mr. Hodgsons?—A. Yes, sir.

Q. You never told them anything of the kind?—A. No, sir; I never did.

Q. You do not say that he was not masked, as I understand?—A. Oh, no, sir; I could not say that; I didn't pay any attention at the time.

Q. You didn't look at him enough to recognize him or to know who the man was?—A. No, sir; I didn't. I did not know who he was until the next morning.

Q. You did not hear that night who he was?—A. No, sir.

Q. Was Mr. Rodgers intoxicated?—A. He had been drinking a little during the day, but that night he was, I think, perfectly sober.

Q. He was intoxicated during the day?—A. He had been drinking; he might have been.

Q. Was he a member of the board?—A. He was appointed presiding officer by the commissioners' court, I think, and he was attending to the business of Mr. Flewellen and did not want to serve, and got Mr. Robertson to take his place.

TESTIMONY OF ROBERT WRIGHT.

ROBERT WRIGHT, having been duly sworn, was interrogated as follows :

By Mr. EUSTIS :

Question. What is your name ?—Answer. Robert Wright.

Q. How old are you ?—A. I am a little over twenty-two years of age.

Q. What is your business ?—A. I have been a farmer.

Q. Where do you live ?—A. I live in Washington County, Texas.

Q. How long have you lived there ?—A. Ever since I was born, mostly.

Q. At what poll do you vote ?—A. I voted at Flewellen polling place the last election.

Q. Did you hold any office at this last election ?—A. Yes, sir.

Q. What office ?—A. I was one of the clerks, I believe, or a judge. I numbered the tickets and put them in the box, and called the names off the tickets. I suppose I was a clerk.

By Mr. TELLER :

Q. Well, you were a clerk, were you not ?—A. Yes, sir.

By Mr. EUSTIS :

Q. How was that election on the 2d of November, 1886; quiet and orderly ?—A. Yes, sir; it was quiet up to that night, very quiet.

Q. What time did you begin counting the votes ?—A. The polls closed at 6 o'clock, and just as soon as we could move to the house in the yard we commenced; it took us to move there and get a light about fifteen minutes.

Q. How many votes did you count ?—A. About 60 or 65.

Q. Was there much scratching done there ?—A. Yes, sir; there was a right smart of scratching for some of the candidates.

Q. Do you know about how the vote stood as regards Mr. Schutze and Judge Kirk ?—A. I think between Mr. Schutze and Judge Kirk it was about even. I heard them say that just before the trouble commenced that it was about even.

Q. You mean of these 65 votes ?—A. There was about 60 or 65 counted, somewhere along there; I do not know exactly.

Q. You mean that they were about even on those 60 or 65 votes ?—A. Yes, sir.

Q. State what occurred about half past 11 o'clock with reference to the killing of Boulton. Where were you sitting in the room, or were you sitting in the room at the time ?—A. Yes, sir; I was sitting in the room at the time.

Q. Did you hear a knocking ?—A. Yes, sir.

Q. At what time was that ?—A. That was at the back door, which was used more for friends than the front of the house. There is always more passing in there all the time, in at that back door, than at the front door. There is a gate and a path coming up to the side of that door where we generally lead up and hitch our horses, and that was used more for friends than the other door was.

Q. Were you looking towards the back door ?—A. No, sir.

Q. Which way were you looking or facing ?—A. I was facing the middle door of the adjoining room.

Q. What do you call the middle door ?—A. It leads off into an adjoining room.

Q. You were facing the middle door?—A. Yes, sir.

Q. You could see the front door also?—A. I could if I had turned to look, but I could not see it the way I was looking. By just turning my eyes I could have seen the front door without turning my head.

Q. Now state what occurred, of your own knowledge, at the time this knocking commenced and afterwards.—A. Well, I heard a knock, and Mr. Rodgers, the gentleman who lives there, the proprietor of the house, he said, "Come in," and I heard somebody get up, and I think he opened the door, and just as the door was opened the shot was fired.

Q. Did you look towards the door when you heard the knocking?—A. No, sir; I never looked towards the door when the knock came.

Q. Did you look towards the door when you heard some one come in?—A. No, sir; I never looked until the gun went off, or the shot was fired.

Q. What did you see then?—A. I got up then and looked, and I saw a man lying there.

Q. Did you recognize who it was?—A. I did not at that time.

Q. Did you see any mask on his face?—A. No, sir.

Q. Any disguise on his face?—A. No, sir.

Q. Did you see any arms in his hands or near him?—A. No, sir; I didn't see anything near him at all, and no arms at all.

Q. Were you there from the time they commenced counting the vote until this killing occurred?—A. Except one time I went out.

Q. How long were you away?—A. About three or four minutes, I reckon.

Q. While you were there did you hear anything, or during these minutes you were away did you hear anything, of any armed men coming in there and ordering the people in that room to throw up their hands?—A. No, sir.

Q. You saw no men, disguised or not, come in there with pistols in their hands and order these officers of the election to throw up their hands?—A. No, sir.

Q. Did you see anybody with arms there at all in that room?—A. I seen shotguns there, and I seen some freedmen there that evening with guns, and I seen guns on the front gallery; that was the time when I went out there.

Q. How many guns did you see there?—A. There were three, I believe; yes, three guns.

Q. Do you know who they belonged to?—A. No, sir. I had seen parties with them there, but I didn't know whether they belonged to them.

Q. Who did you see with a gun?—A. I saw Polk Hill with one, and Handy Hayes with one, and the other one I have forgotten now, but I think it was John Glass who had the other one.

Q. Were they colored men?—A. Yes, sir; all colored men.

Q. What time did you see those arms there?—A. It was about sundown.

Q. Did you see them afterwards?—A. That was when I first saw them, at sundown; I saw those men with them.

Q. When did you see them afterwards?—A. At the time I went out on the gallery.

Q. What time was that?—A. About 8 or 9 o'clock.

By Mr. TELLER:

Q. Who was the other man that you saw besides Polk Hill and Handy Hayes?—A. I think it was John Glass, but I am not certain whether it was him or not.

By Mr. EUSTIS :

Q. What did you do as soon as you heard this firing?—A. I jumped up and looked around, and then I went out of the door.

Q. You looked around where?—A. I looked around the room. I looked towards the back door.

Q. Do you know who was there at the time of the shooting?

The WITNESS. Do you mean who was in the house?

Mr. EUSTIS. Yes; in the room.

A. The officers of the election were in the room, and I think Shad Felder, Felix Kinlow, and Handy Hayes; I think they were in the house, besides Mr. Rodgers, who was there, too, lying on the bed.

Q. Did you see any more persons in the room at the time Boulton was killed than you had just previously?—A. No, sir.

Q. You did not?—A. No, sir.

Q. When did you first hear that the man who was killed was Boulton?—A. When I went out I thought it was him. I stepped over him to go out and thought it was him, but was not certain, because he was shot in the face, and there was blood all over his face, and a person couldn't exactly tell whether it was him or not.

Q. Were you keeping a tally sheet?—A. No, sir; I was calling off the names off the tickets.

Q. Do you know what became of the ballots?—A. No, sir.

Q. Do you know what became of the ballot-box?—A. No, sir.

Q. Do you know what became of the tally sheet?—A. No, sir.

By Mr. TELLER :

Q. You did not see anybody come in the door then?—A. No, sir.

Q. Didn't you notice the door open at all?—A. No, sir; I was not looking at the door at all; when it opened I heard the pull of the door; when somebody got up and walked there I heard them turn the door knob.

Q. You did not look toward the door until you heard the shot?—A. No, sir.

Q. Did you see anybody in the room then?—A. I did not see anybody but those I just mentioned.

Q. You don't know whether anybody came in with Boulton or not?—A. I didn't see any one at all.

Q. Nor whether there was any one at the door with him?—A. No, sir.

Q. Was the door open or shut when you went out?—A. It was wide open.

Q. You went out where Boulton came in, did you not?—A. Yes, sir.

Q. Did you run?—A. Yes, sir.

Q. Were you frightened?—A. I was frightened very much.

Q. How long did you stay in the house after the shot was fired?—A. No quicker than I could get up.

Q. And get out?—A. And get out.

Q. Did any of the rest stay there?—A. They all said they ran; I don't know whether they staid or not. They were all moving around.

Q. How was Boulton lying?—A. He was lying on his back.

Q. You did not stop to examine him at all?—A. No, sir; I didn't examine him at all.

Q. You just rushed out?—A. I looked at him as I went out; I stepped over him and looked down at him.

Q. Were you in a hurry to get out?—A. Well, I was going pretty peart.

Q. Were you before the coroner's inquest?—A. No, sir.

Q. When did you go back there?—A. I was there next morning.

Q. Did you see Boulton then?—A. Yes, sir.

Q. Where was he then?—A. He was lying at the same place where I left him, right near the back door.

Q. How was he dressed then?—A. He had on a brown suit of clothes.

Q. Did he have on a water-proof?—A. He didn't have it on, but there was one lying under him.

Q. They had taken it off, had they not?—A. I don't know whether it was taken off.

Q. Did you notice when you ran out whether he had one on?—

A. Yes, sir; there was one on him then. It was buttoned at the top, but the bottom of it was loose.

Q. What color was it?—A. Yellow.

Q. That is what you call a slicker?—A. Yes, sir; what we call a slicker.

Q. Were you present at the inquest?—A. Yes, sir; part of the time I was.

Q. They didn't take your testimony?—A. No, sir.

Q. You have had some conversation with other people about this matter, haven't you?—A. No, sir; nothing in particular.

Q. Do you know Mr. Steltzig in Brenham?—A. Yes, sir.

Q. Did you ever have a conversation with him about this matter?—A. No, sir; none that I remember of.

Q. Didn't you tell him that Boulton was sitting down on the bench at the time he was shot?—A. No, sir; I did not. I don't ever remember talking to Mr. Steltze. The first time I went to Brenham afterwards I met him in there with Mr. Langhammer, and he asked me how it was, and I told him I didn't care to talk about it; that there was so much talk about it that I reckoned he had heard about it; and Mr. Langhammer says, "Yes; I told him how it was," and that was all we spoke about it.

Q. Boulton was not a great while in the room before he was shot?—

A. No, sir; he was shot as soon as he was in the doorway, I judge, from the position I saw him in.

Q. How large a room was it?—A. I believe the room is about 16 by 18.

Q. Do you know where he was shot from, what point?—A. I think the shot sounded like it came from the front door.

Q. And he came in the back door?—A. Yes, sir.

Q. There was only one shot?—A. There were two shots fired.

Q. Was he hit both times?—A. I don't know; I do not think he was; but there was one shot shot up in the wall, about 6 feet from the floor.

Q. Shot with a shotgun?—A. I reckon so; it was shot in the wall, and it was shot he was killed with.

Q. What kind of guns did those colored men have with them?—A. Two of them were double-barreled shotguns, and one was an old musket.

Q. Is it unusual for colored men to have guns?—A. They generally have them there.

Q. You mean in that country?—A. Yes, sir.

Q. And they carry them around?—A. Sometimes they do, and sometimes they don't; when they go hunting they carry them.

Q. The whites and blacks alike have guns?—A. Yes, sir; they have guns.

Q. You didn't see anybody in the room armed?—A. No, sir.

Q. Did you see Polk Hill go out of the room?—A. No, sir.

Q. You did not see him go out at all?—A. No, sir.

Q. Were you not pretty badly frightened?—A. I was frightened after the shot was fired.

Q. I mean after the shot was fired.—A. Yes, sir.

Q. Have you a very distinct recollection of what occurred at that time?—A. Yes, sir; I think I have.

Q. Did you not tell Mr. Jodon here that you were so scared that you didn't really know what occurred there?

Mr. JODON. At the Central depot.

The WITNESS. No, sir; I don't remember telling him that I was so scared I didn't know what occurred.

Q. But you say you were pretty badly frightened?—A. I was frightened after the shot was fired.

Q. And you got out of the house as quick as you could?—A. Yes, sir; I got up and looked around and then I went out.

Q. Did you notice whether Mr. Rodgers had gotten up when you went out?—A. No, sir; he never went out. When I went out he was lying on the bed.

Q. What became of Mr. Cawse?—A. I left him in the room.

Q. Did you notice the fellow that ran under the bed?—A. I heard something, I didn't know who it was, though; I heard somebody crawling on the floor.

Q. Everybody tried to get out as quick as he could after the shooting, I suppose?—A. Yes, sir.

Q. What kind of lights did you have in the room?—A. We had a lamp.

Q. Just one lamp?—A. Just one lamp.

Q. That was left burning?—A. Yes, sir.

Q. You did not go back to look after the tally list or boxes or anything?—A. I started back and got to the front gate, and I could not see anybody, and I walked down along the fence so as to see into the room, and I could not see any one, and I would not go in.

Q. Had everybody apparently left the room?—A. Yes, sir; they had.

Q. Were there no people outside?—A. I didn't see a soul outside at all.

By Mr. EUSTIS:

Q. Had you heard of any intended raid on this box?—A. No, sir.

Q. Was not this occurrence a complete surprise to you?—A. Yes, sir.

Q. Entirely unexpected?—A. Yes, sir.

By Mr. TELLER:

Q. You had heard of such things occurring in that neighborhood before, had you not?—A. No, sir; not in that neighborhood.

Q. Well, at the former election at Chapel Hill?—A. That was not in that neighborhood.

Q. It was in that county?—A. Yes, sir.

Q. You had heard of that?—A. Yes, sir.

Q. Was there not some talk during the day about this Chapel Hill occurrence?—A. If there was I don't remember.

Q. You do not remember anything about it?—A. No, sir.

Q. Do you know Mr. Joe Jackson?—A. Yes, sir.

Q. Did you ever have a talk with him about this matter?—A. No, sir; not that I remember.

Q. Is he a relative of yours?—A. Yes, sir; his wife is.

Q. What relation is she to you?—A. She is a cousin.

Q Did you not tell Jackson the next morning after the election that Bolton was disguised after he came into the room?—A. No, sir; I did not.

Q. You are sure about that?—A. Yes, sir; I am sure of it.

Q. Nor at any time since?—A. No, sir; no time.

Q. You say you did not see any mask or disguise at all?—A. No, sir.

Q. You did not see him any way until after he fell and was lying on the floor?—A. No, sir; I did not.

Q. Do you know anything about this hanging of the negroes?—A. Only what I have heard.

Q. Were you present at the time?—A. No, sir. I was in Washington County at the time.

Q. But were you at the hanging?—A. No, sir.

Q. Did you have any hand in it?—A. No, sir.

Q. Have you any knowledge about it?—A. No, sir; only what I heard, the report that they were hung; that is all I know.

Q. Do you know how many people were present when they were hung?—A. No, sir.

Q. Did you understand whether it was a large or a small crowd?—A. I never heard whether it was large or small.

Q. What part of Washington County were you in at the time of this hanging?—A. I don't know what time the hanging was. I was in Brenham that night; I was living there then.

Q. Was the hanging at Brenham?—A. They say it was out two or three miles from Brenham. That is what the paper said and the report.

Q. You were at Brenham; you were not away from Brenham?—A. I don't know exactly what time the hanging was.

Q. If it was at 1 o'clock at night, where were you then?—A. I was at the central union depot.

Q. At Brenham?—A. Yes, sir.

Q. What were you doing there at that time of the night?—A. I was waiting for the train.

Q. Were you going away?—A. Yes, sir.

Q. Did you go away?—A. Yes, sir.

Q. Where did you go?—A. To Chapel Hill.

Q. At what time?—A. The train got to Brenham, I think, something like 2.15 or half past 2; something about 2 o'clock.

Q. And then you went to Chapel Hill, did you?—A. Yes, sir.

Q. Who was with you at the depot?—A. Mr. Schley.

Q. What time did you go to the depot?—A. We went to the depot, I believe, it was half past 11.

Q. Did you stay there all the time until 2 o'clock?—A. Yes, sir.

Q. Did you see Mr. Jodon down at the depot that night?—A. He was at the central freight depot.

Q. Did you have a talk with him that night?—A. Yes, sir; he was talking with us all.

Q. About what time was that?—A. We went there I, believe, it was about 10 or half past 10.

Q. Did you stay down there all the time from that time?—A. No, sir; we staid there at the central freight depot until the train came up, going to Chapel Hill about 11, and we staid there about fifteen or twenty minutes afterwards.

Q. Then where did you go?—A. We went on up through town, and went to the union depot.

Q. You went up town and back to the union depot?—A. We went up to strike the first street that went straight down, and then went on to the depot.

Q. Who was with you at the depot besides Mr. Schley?—A. There was nobody with me, but there were several there.

By Mr. EUSTIS:

Q. What was the general impression as to who killed Boulton?—A. Well, they say the impression is that Polk Hill killed him.

Q. Was that the impression among the colored people?—A. Yes, sir; I heard them all say it.

Q. You heard them say so?—A. Yes, sir.

By Mr. TELLER:

Q. Polk Hill was not one of those men who were hung, was he?—A. Not that I know of.

Q. You say the impression was that Polk Hill did the killing?—A. Yes, sir.

Q. When did that impression get out?—A. I heard it next morning.

Q. You heard next morning that he killed Boulton?—A. Yes, sir.

Q. From whom did you hear that?—A. I heard the freedmen saying that he told them that he killed a man.

Q. What became of Polk Hill?—A. I don't know.

Q. Was he killed?—A. Not that I know of.

Q. Did you ever hear that he was killed?—A. No, sir; I never heard that he was killed.

Q. And he was not one of the men who was hung?—A. If he has been hung, I do not know it.

Q. He was not one of the men you spoke of as being hung?—A. No, sir; he was not.

Q. Was he ever arrested?—A. I heard that he was arrested.

Q. What became of him?—A. They say they took him to some county upon the Santa Fé road.

Q. And then what?—A. Put him in jail.

Q. Do you understand he is there now?—A. Yes, sir.

Q. He has not been tried?—A. Not that I know of.

Q. Can you explain why, if the impression was in the community and everybody believed that Polk Hill did the killing, they hung the other men?—A. The report was like I tell you. I heard the freedmen say—they told me that he told them he killed a man.

Q. Was there any report that the other men killed him?—A. Not that I heard.

Q. What were the other men hung for?—A. I don't know, except that they were there armed; that is what I heard. I heard they were there armed that night, and I heard that one of them was there with a shot-gun and went to shoot.

Q. Which one was that?—A. That was one of the Joneses.

By Mr. EUSTIS:

Q. Which Jones?—A. Stewart Jones.

By Mr. TELLER:

Q. He was one of the men who was hung?—A. Yes, sir.

Q. He did not shoot anybody?—A. Not anybody there, that I know of. There was but one man shot, and they say Polk Hill shot him.

Q. Who was Stewart Jones going to shoot, or had threatened to shoot?—A. I don't know.

TESTIMONY OF JOHN A. VERNON.

JOHN A. VERNON, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS :

Question. What is your full name ?—Answer. John Alexander Vernon.

Q. How old are you ?—A. I am fifty-seven years old.

Q. What is your business ?—A. I am a farmer.

Q. Do you hold any position ?—A. Yes, sir ; I am a magistrate and justice of the peace.

Q. In what county in Texas ?—A. Washington County.

Q. How long have you lived in Washington County, Texas ?—A. Fifty-two years.

Q. Did you hold an inquest upon the body of Boulton ?—A. Yes, sir.

Q. When did you hold it ?—A. It was on the third of November.

Q. At what time did you begin it ?—A. In the morning.

Q. Where did you hold it ?—A. At Flewellen's store ; at his dwelling, rather.

Q. Where was the body ?—A. It was in the dwelling.

Q. It was in the room where the killing was done ?—A. Yes, sir ; it was in the room where the killing was done

Q. Who was with you, if anybody, at the time you entered the room to hold the inquest ; did anybody go in there with you when you held the inquest ?—A. There were quite a number.

Q. State to the committee what was the condition of the body ; was there any mask on his face ?—A. No, sir ; none whatever.

Q. Was there any disguise of any kind ?—A. Nothing, sir. He had on one of these old yellow slickers that we wear there in the South.

Q. What was the character of the testimony taken by you as regards the shooting of Boulton ?

Mr. TELLER. I think that is hardly a proper thing to go into, in that way, the character of the testimony, or what he thinks it was.

Mr. EUSTIS. Do you want me to examine him as to what each of the witnesses testified ?

Mr. TELLER. No ; I do not think you should examine him at all about it. I think the proper way is to bring the witnesses here themselves. Every witness, I think, who was examined there is here. Of course you can contradict any witness you desire to. If you want to ask him what any particular witness swore to to contradict his testimony, after his attention has been called to it, I think that would be proper. But I do not think you should ask him as to what the general character of it was.

The WITNESS. The testimony was all taken down by Paul Kühnel.

By Mr. TELLER :

Q. Do you know whether it was correctly taken down ?—A. Yes, sir ; it was correctly taken down, and there are certified copies of it.

Mr. EUSTIS. I want to offer first the evidence taken before the coroner's inquest.

Mr. TELLER. I do not think you have any right to do that. You had better leave that until the subcommittee is full. We have these very people here who testified, and if you want to contradict them, that you can do by calling their attention to it.

Mr. EUSTIS. Some of them are not here. We have been guided by no rules of evidence at all, so far as that is concerned.

Mr. TELLER. But there should be some rule about it.

Mr. EUSTIS. The witness can name who testified to certain facts.

Mr. TELLER. Is it to strengthen your witnesses or to contradict the other?

Mr. EUSTIS. It is to contradict the others.

Mr. TELLER. Then you must pursue the usual course. You must ask them.

Mr. EUSTIS. I know in a court of justice what the law is; but I say in this committee there has been no rule at all.

Mr. TELLER. But I shall insist, until the committee overrules me, that the witness shall be first called and asked how he testified.

Mr. EUSTIS. Can't I ask the witness whether certain evidence which was given before the inquest was or not given? What objection can there be to that?

Mr. TELLER. I do not think you can. We put on a witness, Jones, and you asked Jones if he did not testify differently before the inquest, and he said he did, and explained why he did. You can do that. If he says that he did not so testify, then Mr. Vernon is the proper witness to be called.

Mr. EUSTIS. I have here the proceedings of the inquest held on the body of W. D. Boulton, which has been authenticated.

Mr. TELLER. I think you are entitled to offer that.

Mr. EUSTIS. I will offer this paper as a certified copy of the proceedings of the inquest held upon the body of Boulton.

The following is the paper referred to:

PROCEEDINGS OF THE CORONER'S INQUEST IN REGARD TO THE KILLING OF W. D. BOULTON.

COUNTY OF WASHINGTON, *State of Texas*:

An inquest taken the 3d day of November, A. D. 1886, at R. T. Flewellen's residence in said county of Washington, before J. A. Vernon, justice of peace of said county, upon the view of the dead body of W. D. Boulton, by William Ford, J. T. Lott, M. A. McCalip, S. H. Hatfield, John Alexander, S. T. Aubrey, good and lawful jurors of said county, who, being in due form sworn, say that the said W. D. Boulton came to his death at about 11 o'clock p. m. by a shotgun wound in the hands of Poke Hill, and further believe that Chad Felder, William Davis, John Glass, Felix Kenlow, Stewart Jones, and Ande Hays, and Stephen Jackson were accessories to the killing of deceased; and further believe that deceased came to his death by the advice of Ed. Lockett.

J. A. VERNON,
J. P. Precinct No. 1, Washington County, Texas.
W. G. FORD.
S. T. AUBREY.
H. H. HATFIELD.
J. T. LOTT.
J. R. ALEXANDER.
M. A. MCCALIP.

No. 1.—*Testimony of William Davis (duly sworn).*

I, William Davis, was sitting near the house of R. T. Flewellen, by a tree, and heard two reports of a shotgun and a noise in the house. Going up to the house, I saw Poke Hill coming out of the door of said house saying, "I have killed two men and my gun is empty; Davis, give me your gun." There was here five men with shotguns, with the names of John Glass, Felix Kenlow, Poke Hill, Stewart Jones, Ande Hays, all colored men. Stephen Jackson told us, "if we want a gun to go and get mine." This happened on the 2d day of November, 1886.

WM. (his x mark) DAVIS.

No. 2.—*Testimony of Alfred Jones (sworn).*

Mr. Ed. Lockett told me, "It is our duty to guard this box at R. T. Flewellen's place," and through the advice of Mr. Ed. Lockett, John Glass, Ande Hays, Felix Kenlow, Poke Hill, and William Davis came here with shotguns. I did not hear of any threats to intimidate any person on the ground on the 2d day of November, 1886.

ALFRED (his x mark) JONES.

No. 3.—*Testimony of A. H. Rogers (duly sworn).*

The first I know of it was at about 11 o'clock p. m., while I was lying on my bed in the room where the election was held. To my best recollection I saw Poke Hill, Ande Hays, and Felix Kenlow and Stewart Jones in the said room, but I did not see any guns in the room. I saw Poke Hill going out several times prior to the shooting, but never after the shooting, on the 2d day of November, 1886.

A. H. ROGERS.

No. 4.—*Testimony of John Glass (duly sworn).*

I saw William Davis, Felix Kenlow, Poke Hill, Stewart Jones, Ande Hays with shotguns on the place of R. T. Flewellen's. The report of the shotgun woke me up, and I did not see anybody after the shooting, which happened about 11 o'clock p. m. on the 2d day of November, 1886.

JOHN (his x mark) GLASS.

No. 5.—*Testimony of Ande Hays (duly sworn).*

I was in the room where the election was held, my gun was sitting on the gallery of the house; when the door south in room opened deceased, after being invited to come in, was shot directly after Poke Hill went out of the north door, his gun being out on the gallery; deceased came in quietly and said nothing about the box and was not disguised. The shooting took place on the 2d day of November, 1886. There was in the room Chad Felder, Felix Kenlow, Poke Hill, and Stewart Jones; I believe that Poke Hill is the man who done the shooting. Gun-shot was fired in the north door, deceased killed in the south door. I am satisfied that Poke Hill was the man, as he was standing in the door.

ANDE (his x mark) HAYS.

No. 6.—*Testimony of Dick Robertson (duly sworn).*

I was the presiding officer of the ballot-box on the R. T. Flewellen place on the 2d day of November, 1886. We were counting the votes when the shooting took place. Some one knocked on the door, and after being asked to come in, deceased was let in. The same time the door opened, Poke Hill, who was sitting in the room, got up and went to the opposite door, and a shotgun was fired by a ginger-cake-colored person. I feel satisfied that a darkey of the description of Poke Hill did the shooting, unless somebody was standing behind the door; he had fully time to pick up a shotgun. The election was going on quietly and I deemed it not necessary to have any guards whatever on the ground. At the time of the shooting there were in the room present Lewis Pennington, Chad Felder, Tom Jones, Felix Kenlaw, and Ande Hays.

J. R. ROBERTSON.

No. 7.—*Testimony of William Cawse.*

I was one of the clerks of election held on the place of R. T. Flewellen. There was in the room at the time of the shooting Felix Kenlaw, Ande Hays, Lewis Pennington, Chad Felder. The same time that the south door opened, Poke Hill left his seat and ran to the north door and opened the same door, and directly a shot was fired and deceased fell to the floor. The election was quiet, and it was not necessary to have any guards.

WM. CAWSE.

No. 8.—*Testimony of Felix Kenlaw (duly sworn).*

I was sitting in the room looking on. Poke Hill was sitting near me, and as soon as somebody knocked on the door Poke Hill, who got up and ran to the opposite door, picked up his shotgun which was out on the gallery, I saw him, cocked the gun and shot.

the deceased, and I knew it was Poke Hill who did the shooting; he told me himself that he had killed a man, and laughed when he said it. I was lying under the bed and could see plainly. There was present in the room Ande Hays, Stewart Jones, William Cawse, Poke Hill, and the officers of the election. The shooting took place about 11 or 12 o'clock p. m. in the room of the house of R. T. Flewollen. The election was quiet and orderly.

FELIX (his x mark) KENLAW.

No. 9.—*Testimony of Lewis Pennington (duly sworn).*

I was one of the judges of the election held on the 2d day of November, 1886. The election was going on quietly and orderly; I was busy counting votes when somebody knocked on the door; the same time Polk Hill got up from his seat and ran to the door. I do not know who did the shooting, which took place about 11 o'clock p. m. Outside the officers of the election there were present in the room Chad Felder, Ande Hays, Felix Kenlaw, and Poke Hill went out of the door.

LEWIS (his x mark) PENNINGTON.

No. 10.—*Testimony of Tom Jones (duly sworn).*

I was one of the clerks of the election, sitting at the table with my back toward the south door. I saw Poke Hill go to the north door before the south door opened. As soon as the door opened, I turned my face, and saw a white man coming in the door with uplifted hands holding a pistol, and as soon as I saw the person I went out of the same door. I know that Poke Hill had a gun on the ground. There was present outside of the officers, Chad Felder, Andy Hays, Poke Hill. The shooting took place on the 2d day of November, 1886, in the house of R. T. Flewollen.

T. M. JONES.

Statement of Lewis Pennington, being re-examined.

I did not see anybody coming in the door disguised with a pistol in hand. I was sitting close to the fire-place in plain view of the two doors.

LEWIS (his x mark) PENNINGTON.

No. 11.—*Testimony of Ephraim Jones (duly sworn).*

I was taking supper to Jones and along with it a shot-gun to guard the polls; then I went out and went to sleep on John Glass's overcoat and I never woke up till I heard two reports of a shot-gun. I ran off around the house and made for home. There had shot-guns in possession, William Davis, Felix Kenlow, Poke Hill, Andy Hays, for the protection of the box under the advice of Chad Felder. The election was going on quietly. The shooting was done at about 11 o'clock p. m., in the house of R. T. Flewollen, on the 2d day of November, 1886.

EPHRAIM JONES.

No. 12.—*Testimony of Stephen Jackson, (duly sworn).*

I was on the election ground on the 2d day of November, 1886, and Alfred Jones and Poke Hill asked me for a pistol, but I declined it, but let Poke Hill have my shot-gun loaded to keep the polls guarded. My gun was returned me, both barrels empty, by Sallie Jones, wife of Oliver Jones

EPHRAIM (his x mark) JONES.

This is to certify that this is a true and correct statement of the testimony given.

P. KÜHNEL,

Recorder.

THE STATE OF TEXAS, *County of Washington :*

I, C. F. Herbst, clerk of the district court of Washington County, Texas, do hereby certify that the foregoing is a true and correct copy of the original inquest papers in case of W. D. Bolton, deceased, now on file in said court.

Given under my hand and the seal of said court, at office in Brenham, this the 5th day of February A. D. 1887.

[SEAL.]

C. F. HERBST,

Clerk.

By Mr. EUSTIS:

Q. Were you a candidate at the last election in November, 1886?—

A. Yes, sir.

Q. For what office?—A. For the same office, justice of the peace.

Q. What ticket were you on?—A. On both tickets. I was nominated by the Republican party.

Q. Your name was on both tickets?—A. Yes, sir.

Q. And you were supported by both parties?—A. Yes, sir.

Q. Colored and white?—A. Yes, sir.

Q. What are your politics?—A. I am a Democrat.

Q. How long have you been a Democrat?—A. All my life.

Q. And expect to be one the balance of your life?—A. I expect so.

Q. How do you account for your being supported by the Republicans?—A. Well, sir, we have a conservative element. We have a People's ticket, and the Republicans go with us and vote for the good men, what they suppose to be the best men.

Q. How long have you held your office?—A. This is the third year, the second term.

Q. What is your jurisdiction as a magistrate; for instance, what kind of cases can you try, criminal or civil?—A. Only criminal cases and felonies.

Q. State what it comprises.—A. All misdemeanors, such as disturbing the peace, gambling, and other criminal offenses.

By Mr. TELLER:

Q. It is limited by statute, I suppose?—A. Yes, sir.

By Mr. EUSTIS:

Q. What is your civil jurisdiction?—A. I cannot exceed over \$200 in any case.

Q. An appeal lies from your court to the county court?—A. Yes, sir.

By Mr. TELLER:

It is a justice's precinct?—A. Yes, sir.

By Mr. EUSTIS:

Q. What is the territorial jurisdiction?—A. I could not tell you. It is very large; our precincts are very large. We have four voting boxes.

Q. What boxes are in your precinct?—A. There are four voting boxes.

Q. But what are they called?—A. There is one at Graball, one at Flewellen's Store, one at Lotts' Store, and one at Washington.

Q. Do you know how Mr. Schutze stood there with the colored people of your precinct?—A. No, sir; I have no idea about that. There were only one hundred and twenty-five votes polled at the whole town of Washington, and I think Mr. Schutze was a little ahead there.

By Mr. TELLER:

Q. Is Washington your voting place?—A. Yes, sir. The old town of Washington used to be the capital of the Republic of Texas.

By Mr. EUSTIS:

Q. Did you hear any negroes there state that a man named Lockitt and another man named Gilder had advised them to arm themselves?—A. Yes, sir; I heard that.

Q. State what you heard them say.—A. I just heard that Gilder and Lockitt went to Flewellen's Store; I think it was about an hour and a half or two hours by the sun, and told them—the negroes—to go and arm themselves and protect that box, that it would be captured.

By Mr. TELLER:

Q. Who were those men?—A. Lonny Gilder and Ed. Lockitt.

By Mr. EUSTIS:

Q. Did you ever hear them say that the advice they had given them was to shoot white people?—A. Yes, sir; to shoot anybody who attempted to take that box.

Q. You heard that from the negroes themselves?—A. Well, it was currently reported around.

By Mr. TELLER:

Q. I thought you said you heard these men say this?—A. No, sir; I said it was just currently reported around.

By Mr. EUSTIS:

Q. What has become of those men, do you know?—A. They have left for parts unknown, sir.

Q. Do you know why they left?—A. I think they left on the 3d or 4th, though I am not certain. They could not be found. I tried to have them arrested.

Q. Arrested for what?—A. For giving such bad advice. I thought it was bad advice they were giving.

Q. Do you know why they left?—A. No, sir.

Q. What is the reason for it according to common report?—A. I do not know; I have no idea.

By Mr. TELLER:

Q. You have been a magistrate there for three years?—A. Yes, sir.

Q. And are serving on your fourth year?—A. Yes, sir.

Q. You were the one there who made this inquest?—A. Yes, sir; I made the inquest.

Q. How did you make the inquest? Did you call anybody to assist you; does the justice of the peace have any assistance in making the inquest?—A. You summon six men, you know; you understand the process.

Q. It is different in different States.—A. Six men are sworn in to investigate the matter.

Q. And you submit the evidence to the jury?—A. Yes, sir.

Q. And they render a verdict?—A. Yes, sir; they render a verdict.

Q. Is that verdict in these papers?—A. Yes, sir; I suppose so.

Q. I did not notice it. What was that verdict?—A. That young Bolton came to his death by the hands of this Polk Hill, I think his name was.

Q. That was the verdict of the jury?—A. Yes, sir.

Q. Was anybody else implicated with Polk Hill in it?—A. Yes; several others.

Q. I mean in the verdict?—A. No, sir; I think not. I think those other parties were accessory.

Q. The verdict did not mention them?—A. I could not remember that.

Q. That is all shown in these proceedings held at the inquest?—A. Yes, sir; I suppose so.

Q. All the evidence in the case is here?—A. Yes, sir; it is all there.

Q. Do you say that all the testimony taken is in this record?—A. Yes, sir; all, I suppose. I got a regular transcript of it. It was all put on file.

Q. What do you understand now that Ed. Lockitt and Gilder had said?—A. What I heard.

Q. What did you understand? You went on to tell about it.—A. I just heard that he went there and advised these negroes to arm themselves.

Q. For what purpose?—A. To protect that box.

Q. That was in the afternoon of the day of the election?—A. Yes, sir.

Q. Then there was some talk in the community that the box was going to be raided?—A. I do not know.

Q. Did you not understand that he said to them that the box was liable to be raided?—A. Yes, sir.

Q. And that if it was raided they were there to protect it?—A. Yes, sir.

Q. You thought it was better to let them raid the box and steal it?—A. Oh no, sir; we deprecate anything of that kind just as much as anybody.

Q. I know you deprecate it.—A. I was at Washington; I was not there.

Q. You went there the next day as a magistrate, and you hunted for these men and arrested them?—A. Yes; I did not think that was proper.

Q. Did you hunt for anybody who raided the box?—A. Oh, yes, sir; we tried to find them all.

Q. Did you issue any warrant for anybody?—A. No, sir; none from there.

Q. Did you send out anybody to hunt to find out who did it?—A. Yes, sir; we had officers there from the county seat.

Q. Graball is in that precinct, is it not?—A. Yes, sir.

Q. And the box was raided?—A. Yes, sir; that was raided also.

Q. Did you hunt for that box?—A. We did all we could to find out who did it, but we could not and did not find anybody, and do not even now know who did it.

Q. You do not know yet who did it?—A. No, sir.

Q. You have not succeeded in finding any person who was connected with that transaction?—A. No, sir; no one at all.

Q. Did you examine into the character of the proceedings when that box was taken?—A. Certainly, we did all we could.

Q. Let us know what you did; what did you do?—A. We investigated and inquired around; that was all we could do.

Q. Did you hold an inquest to inquiry or arrest anybody at all?—A. No, sir; nothing of that kind.

Q. You understood all about it; you were told how the thing occurred, were you not?—A. Well, that it had been captured.

Q. Suppose you tell us what you know from general rumor. You have told us about the rumor in regard to Gilder and Lockitt. Now tell us about the Graball box and how the taking of the box occurred?—A. I know but little about it.

Q. You have examined into it, you say, with a view of punishing the offenders?—A. Yes, sir; if we could find them.

Q. What did you learn about it?—A. We did not learn anything except that it was just captured; but who did it we had no idea.

Q. You understood that somebody invaded the room while the count was being made, and carried off the box?—A. Yes, sir.

Q. And the people were disguised?—A. I did not hear that.

Q. Then there were plenty of witnesses if they were not disguised, and they took the box out of the hands of the election officers that night; that is what you understood?—A. Yes, sir; I understood so.

Q. That is you heard it the next day?—A. Yes, sir.

Q. You knew who the election officers were?—A. I did not know them.

Q. You could have found out?—A. I suppose so.

Q. Did you ever consult with those election officers as to what they themselves thought about it?—A. I asked them who did it, but they didn't know any more than I did.

Q. Why didn't they know?—A. I have no idea; I could not answer that question.

Q. You say you do not even know whether they were disguised or not?—A. No, sir; I do not.

Q. Is it not a fact that you simply satisfied your conscience by deprecating it and saying it was a bad thing and that you did not approve of it, and that was the end of your effort in that line?—A. What was that?

Q. Were you not satisfied with saying that you deprecated it, and stopping right there?—A. Yes; I deprecated it as much as any one.

Q. But you didn't stop to examine as to who the offenders were?—A. I did not suppose we could ascertain or find out.

Q. You had five or six election officers in the room when the Graball box was taken?—A. Yes; I suppose they must have been there.

Q. And you never consulted with one of those men, you say?—A. Oh, yes, sir; I talked with them frequently, but they didn't know any more about it than I did.

Q. Why didn't they know anything more than you did? Didn't they recognize the people, or were they not willing to tell who it was?—A. That is a hard question to answer.

Q. You say you do not know whether these people were disguised or not?—A. No, sir; I do not know.

Q. When you had the examination at Flewellen, did you go into an examination about the attempt to take that box, or anything of that kind?—A. Yes, sir; I tried to find out who did it, but there was no taking of a box there that I know of.

Q. You understood that Bolton proposed to take the box, did you not?—A. No, sir; I didn't understand anything of that kind.

Q. What did you understand Bolton was in there for?—A. I understood that he came there to ascertain how the vote was going. His father was running for commissioner, I think.

Q. You knew that one of the witnesses before that jury swore that he came in there with a pistol, and disguised, did you not?—A. One, I think, did testify to that effect.

Q. Did you try to find out who were his associates who went there with him?—A. We could not find out; we tried to find out, but none of them knew that anybody but Bolton came there.

Q. You could not find out where Bolton started from?—A. No, sir.

Q. Or where he had been during the afternoon?—A. No, sir.

Q. None of those things you could find out?—A. No, sir.

Q. Did you try?—A. Oh, yes, sir.

Q. Why couldn't you find out?—A. Nobody knew.

Q. Bolton had been at this poll during the afternoon?—A. I do not know.

Q. Or during the day; did you learn that?—A. No, sir.

Q. Where did Bolton live?—A. Not very far from there.

Q. Where did he vote?—A. I don't know where he voted.

Q. He did not vote at this box, did he?—A. I do not know. He lives about half-way, I think, between Graball and that place.

Q. It has been sworn to here that this was not his voting place, and

I supposed you knew that. Did you really make an effort to find out where he was that afternoon, and what associates he had?

The WITNESS. Who, Bolton?

Mr. TELLER. Yes.

A. No; I did not.

Q. You just confined yourself to the killing, in that case, that is all. You are required to inquire into all misdemeanors, are you not?—A. Yes, sir.

Q. Does the stealing of a ballot-box rise to the dignity of a misdemeanor, or is it so considered in that community?—A. Yes, sir; I believe so.

Q. Is it considered a crime?—A. Yes, sir.

Q. What proportion of the people consider it a crime?—A. All of the good, honest people.

Q. Does that include a considerable number of the people?—A. It includes the majority of our county, sir.

Q. And yet you have had three ballot-boxes destroyed at the last election, and nobody has ever been arrested for it?—A. No one that I know of.

Q. Has there been any attempt to arrest anybody?—A. Yes; if we could find out who did it.

Q. But has there ever been any attempt?—

The WITNESS. To find out?

Mr. TELLER. Yes.

A. Oh, yes, sir.

Q. Have any rewards been offered?—A. None.

Q. Have any complaints been made to the governor?—A. None that I know of.

Q. You do not know of any?—A. No, sir.

Q. But you all deprecate it. Now, what was the condition the next day after this; was there much excitement?—A. Yes, sir; a great deal of excitement.

Q. Where was the excitement?—A. All over the precinct; all over the county, in fact, you might say.

Q. What was the excitement over?—A. Over the killing of this young man.

Q. Was there any excitement over the Graball box business?—A. Yes; I suppose so.

Q. Was there any considerable excitement over the stealing of the Lotts box from the custodians of it that you heard of—that is in your precinct, too?—A. Yes, sir; all in my precinct; it all occurred right there.

Q. Did you have any knowledge of the hanging of these men?—A. Only from hearsay.

Q. You committed these men on this finding of the jury?—A. Yes, sir.

Q. Didn't you propose at the time, before you committed them, to discharge two of them because there was nothing against two of them?—A. There were two, I think, I discharged.

Q. Did you not propose to discharge two who were not discharged?—A. There were two, I think, who were not examined. It was so late we did not get through.

Q. Did you not suggest that you would discharge Alfred Jones and Steve Jackson, as there was no evidence against them at all?—A. I do not know that I did; I think not.

Q. Did you not tell Mr. Jodon that?—A. I do not remember.

Mr. JODON. At the Santa Fé depot, at the time the Methodist conference was leaving there.

The WITNESS. That there was no evidence against them?

Mr. JODON. I told you what they had told me, and I said to you, "Vernon, these men are dead now," and you said that you had said there was nothing against them and they could go, but that somebody said, "Put them in there with the rest." We were standing right at the corner of the Santa Fé depot.

The WITNESS. I do not remember; I have forgotten.

Q. Was there any evidence that you remember against Alfred Jones?—

A. I do not remember. You have got all the evidence there before you.

Q. There is no other evidence except this?—A. There were some witnesses, as I said before, that were not examined.

Q. And the evidence that Ed. Lockitt was guilty was the testimony that one of the witnesses gave that Lockitt had advised them to protect the ballot-box?—A. What was that?

Q. On the evidence against Lockitt the jury found that this man had come to his death through the advice of Lockitt; that evidence is found in here, in the evidence upon which they acted, and that is because he advised these people to defend the ballot-boxes?—A. Yes, sir.

Q. Was there any complaint made before you that the negroes had been at these polls with arms the day before?—A. No; I think not.

Q. I mean election day.—A. Oh, election day; they came there that evening with arms.

Q. On election day?—A. Yes, sir.

Q. Was any complaint made?—A. No, sir.

Q. You have not attempted to punish that offense, if it was an offense?—A. No, sir; no complaint was made.

Q. Did you attend any of those public meetings which had been held there?—A. No, sir; I never got to any of them. What kind of a public meeting do you mean?

Q. Public meetings there approving of the course———A. I attended one indignation meeting, you might term it, at Brenham, on the 5th of November.

Q. What was the purpose of that meeting?—A. Well, it was just of the good citizens who met there to deprecate the murder of young Bolton.

Q. Did you make any speech at that meeting?—A. No, sir.

Q. Did you take any part in it?—A. No, sir.

Q. Who were the speakers on that occasion?—A. Colonel Giddings and Mr. Haynes, and several others.

Q. Was Judge Kirk there?—A. I think Judge Kirk was there also.

Q. Was there any record of that meeting?—A. Not that I know of.

Q. They did not preserve a record of that?—A. I don't know but what it was published; I have forgotten.

Q. Where was it held?—A. I think it was at Eldredge Hall.

Q. At that meeting did you hear any condemnation of the breaking up of the election at Graball, the taking of the Lotts box, or anything of that kind?—A. Yes, sir, I did.

Q. You think you heard something about that?—A. I am not positive, but I know that Colonel Giddings made a very conservative speech.

Q. Do you remember what the resolutions were?—A. No, sir; I do not remember.

Q. Let me read them to you and see if you recognize them:

Your committee appointed at a former meeting to consult and recommend a course of action to be pursued in view of recent acts of lawlessness, frauds, and intimidation practiced at the recent election, respectfully report.

That we have duly considered the matters referred to us, and deprecate and condemn the character of political speeches made by the leading white Republicans as incendiary and calculated to engender strife and bad feelings between the races, which if permitted must inevitably lead to bloodshed.

Q. Do you remember that?—A. Yes, sir; I think so.

Q. You think that was a part of it?—A. Yes, sir.

Q. (Reading):

That those designing white men are responsible for the present unfortunate condition of feeling between the races, and for the murder of Dewees Bolton, a peaceable and inoffending citizen, guilty of no offense except a desire to witness the count of ballots.

That we assure all citizens that they shall be protected in the enjoyment of all their rights, but that we will not allow incendiary speeches to be made to the ignorant colored people whereby our lives and property shall be placed in jeopardy.

That we congratulate the good people of Washington County upon the triumph of the People's ticket and the election of men to office who will faithfully guard your rights against the attacks upon the ballot-box and the reprehensible methods adopted by the opposition.

That we recommend to all the observation of law, and the preservation of law and order by every means in our power.

Do you recognize those as the resolutions which passed?—A. I think they were; yes, sir.

Q. This was published in the local Democratic paper at that place?—

Mr. EUSTIS. Has it been offered in evidence yet?

Mr. TELLER. I will offer it in evidence to go into the record. I have read all that appears in the paper.

Q. You do not find anything there condemning the breaking up of the ballot-box at Graball or the stealing of it, do you? You do not claim that our side stole the box at Graball?—A. Yes, sir; a great many claim that.

Q. And the Lotts box in the same way?—A. Well, it is reported they did.

Q. You have too much sense to assert that before this committee, haven't you?—A. I do not assert it as a fact.

Q. I do not think you will. Did you hear Mr. Haynes make a speech?—A. Yes, sir.

Q. Do you remember what he said?—A. No, sir.

Q. Suppose I read this newspaper report and see if you recognize what he said:

Harry Haynes said, ordinarily he was for peace and was a peaceable man, but when he heard of the outrages and rumors of outrage he was for war. He was for holding what we had accomplished, by force if necessary. We were right, and should stand by ourselves. Incendiary speakers should be repressed, and their infamous methods put down; as a legitimate fruit of their infamy a foul murder had been committed, instigated by designing villains who had made tools of the negroes. He wanted in the resolution the name of the murdered man, so that the whole world should know our grievance; his name was Dewees Bolton, a pure man and good citizen.

Do you remember that?—A. I think that is about the sense of it.

Q. Now this meeting was really to denounce the killing of Bolton, was it not?—A. Well, that and other offenses, I suppose, the capturing of the boxes also.

Q. But you didn't do it, if that was what you called the meeting for, if this is a truthful report of the meeting. There is nothing there to show that you denounced the outrages on the ballot-boxes at all, is there?—A. Oh, we denounced everything of that kind.

Q. But do you recollect of any resolution of that kind?—A. No, sir; I do not, but I say we denounce all such things.

Q. I know you do, you deprecate them, but you go right on doing

them all the same?—A. No, sir; we do not do that, and you do not know it either.

Q. Did the meeting take any action towards finding out who had disposed of these boxes?—A. I do not think they did.

Q. If they had you would have known it, would you not; if they had authorized anybody to act and hunt up these people you would have known something about it?—A. I suppose so.

Q. Then are you not willing to say they did not?—A. No, sir; I don't know what process might have been issued from Brenham.

Q. You never have heard of any process being issued by any of the courts, have you?—A. No, sir; I live twenty odd miles from Brenham.

Q. But these occurrences were in your neighborhood?—A. Yes, sir; but I live twenty miles from the county seat.

The following is the newspaper report, extracts from which were read to the witness during the course of his testimony:

CITIZENS' MEETING.

On Thursday at 2 p. m., November 5, there met at Eldridge Hall upward of three hundred of the leading citizens from all parts of the county. The committee appointed at a meeting held November 3, submitted the following report:

"Your committee, appointed at a former meeting to consult and recommend a course of action to be pursued in view of recent acts of lawlessness, frauds, and intimidation practiced at the recent election, respectfully report:

"That we have duly considered the matters referred to, and deprecate and condemn the character of political speeches made by the leading white Republicans as incendiary and calculated to engender strife and bad feelings between the races, which, if permitted, must inevitably lead to bloodshed.

"That those designing white men are responsible for the present unfortunate condition of feeling between the races and for the murder of Dewees Bolton, a peaceable and inoffending citizen, guilty of no offense except a desire to witness the count of ballots.

"That we assure all citizens that they shall be protected in the enjoyment of all their rights, but that we will not allow incendiary speeches to be made to the ignorant colored people whereby our lives and property shall be placed in jeopardy.

"That we congratulate the good people of Washington County upon the triumph of the People's ticket and the election of men to office who will faithfully guard your rights against the attacks upon the ballot-box and the reprehensible methods adopted by the opposition.

"That we recommend to all the observance of law, and the preservation of law and order by every means in our power."

Colonel Giddings said, speaking to the resolution, he had been with the people for thirty-two years, and never had he seen a more intelligent gathering of representative men; he felt the occasion and we were interested as no one could be; we were tied to Washington County soil; we could not pick up like the carpet-bagger and run; a large mass of the voters of the county were ignorant and only influenced by fear; their party had used every means of intimidation to influence votes, and such means kept up would result in war between races, and bloodshed. The People's ticket, representing the best interests of Washington County were, with one exception, elected by good majorities. That one man, though called by the people, had refused to run on their ticket; but now, if elected, he should be allowed to serve. There was no need of violence or force; that time should have been when the canvass opened and the incendiary speeches were made to the ignorant and vicious of the county; now we should see the law prevail. He knew there was a deep feeling for using violence, but advised that the law take its course and be rigidly enforced. In the future no one should be allowed to make speeches to incite the violence of the ignorant. The people who owned the county should have it stopped.

Harry Haynes said ordinarily he was for peace and was a peaceable man, but when he heard of the outrages and rumors of outrage he was for war. He was for holding what we had accomplished by force, if necessary. We were right and should stand by ourselves. Incendiary speakers should be repressed, and their infamous methods put down. As a legitimate fruit of their infamy a foul murder had been committed, instigated by designing villians, who had made tools of the negroes. He wanted, in the resolution, the name of the murdered man, so the whole world should know our grievance. His name was Dewees Bolton; a pure man and good citizen.

M. M. Felder said we should be cool and act coolly, and counseled holding on to the victory.

W. W. Searcy and L. R. Bryan said the same in substance.

Judge Kirk said he had served the people for two years; had tried to act impartially, and had done his best for their interests; that he had talked to the negroes and thought most of them were on the right side; there were six or seven white men in the county instigating these outrages; he could name them.

Joseph Tristram being called up said he fully indorsed the report. H. Hodde said the same in substance and moved the adoption of the report, which was carried by a rising vote.

The chairman stated that the precinct committees appointed at the previous meetings were permanent and would meet again at the call of their chairman, H. Hodde. The meeting then adjourned.

TESTIMONY OF BENJAMIN Y. AWBREY.

BENJAMIN Y. AWBREY, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your age?—Answer. I am forty-five years of age.

Q. Where do you live?—A. I live in Washington County, Texas, 20 miles east of Brenham, the county seat.

Q. What is your business?—A. I am a farmer.

Q. Where do you vote?—A. At Graball precinct, in my neighborhood.

Q. Were you one of the election officers at the last election?—A. Yes, sir; I was presiding officer of the box at Graball.

Q. What time did you begin to count the vote there?—A. I don't know exactly. I suppose we commenced at about 7 o'clock, directly after we closed the polls.

Q. How many votes did you count?—A. We counted 225.

Q. How many votes were polled altogether; do you know?—A. There were 341 polled.

Q. How did the county stand with regard to Judge Kirk and Mr. Schutze on those 225 votes that were counted?—A. Well, Judge Kirk at the end of the count was 116 and Mr. Schutze was 105.

Q. Is that a strong Republican poll?—A. Yes, sir.

Q. A good many colored people vote there?—A. Yes, sir; there is five to one.

Q. And you say of those 225 votes counted, Judge Kirk had 116 and Mr. Schutze 105?—A. Yes, sir.

Q. How was the election there, orderly?—A. Yes, sir; the election passed off quietly.

Q. No intimidation?—A. No, sir; none at all, as I saw.

Q. Were you there all day?—A. Yes, sir; I was there all day. I opened the polls and closed them, and there was no disturbance whatever that I knew of. I heard there was some disturbance outside concerning some gentlemen that were there officiating, that didn't live there, who lived in Brenham.

Q. Evidence has been given here that this box was raided, as they call it?—A. Yes, sir; it was.

Q. What time was that?—A. The box was captured about 11 o'clock or a little after.

Q. Eleven o'clock at night?—A. Yes, sir; I don't know exactly the time. I did not have any timepiece myself, but I know it was about eleven or a little after. I got home a little before twelve, a few min-

utes before twelve, and I lived about a mile and a half from the voting place.

Q. Was it done by masked men?—A. Yes, sir.

Q. Did you see them?—A. Yes, sir; I saw two of them. Two of them came in the room where we were counting the votes, and there was a third one, but he didn't come into the room, he stood in the door, and never came any further than the door. But two of them came in the room.

Q. Have you ever formed any impression as to who those two men were?—A. I could not positively say who they were; I could not tell from the way they were masked. That is, I could not swear to them who they were.

Q. I know, but I speak of your impression?—A. Well, the only suspicious looking characters that I saw about there that day were two men from Brenham who were trying to control the vote.

Q. Who were they?—A. The name of one of them was Lockitt, and the other was Gilder; Ed Lockitt and Lonny Gilder. They were officiating around there that day, pretty much all day.

By Mr. TELLER:

Q. You say Lockitt was one; who was the other?—A. Ed. Lockitt and Lonny Gilder. They were trying to influence some people to vote.

By Mr. EUSTIS:

Q. To vote which ticket?—A. They were trying to influence them to vote their way.

Q. Which way is that?—A. They were Republicans.

Q. What is the character of those men; their general reputation?—A. I am not very well acquainted with either of them, but from what I could learn about them they are sort of hangers-on around the county seat at Brenham. They are not competent to fill an office, or the people haven't confidence in them to put them in, but it seems that they promised them a divide in their salary if they will officiate around and control the ignorant people enough to get their ticket through.

By Mr. TELLER:

Q. You are telling something you have heard; you do not pretend to know it?—A. I only hear this. I saw them there officiating around.

Q. But you heard they had agreed to divide with them; you do not know it?—A. No, sir; I have only heard that.

Q. You do not pretend you know anything about that?—A. No, sir; I do not know it, but that is what I have heard. I know they were there officiating around that day.

By Mr. EUSTIS:

Q. Did you hear anybody say that two of those masked men were Lockitt and Gilder?—A. No, sir; I never heard any one say so; but, as I say, they were officiating around there all day, and I understood afterwards they were at Mr. Flewellen's, which is the next voting box from our precinct, and the next morning as soon as I could get to Brenham to make the report of what had happened at our box, before I got out of the vehicle that I drove there in, these two men were the first two men who met me that I knew, and they asked me what was the news down in our part of the neighborhood, and I told them what was the news, that the box had been captured and a young man had been killed at the other voting place, and they asked me several questions concerning the election and then left me, and I never have seen or

heard of them since, and it seemed as though they must be guilty of something or they would not have left the country.

Q. Had you any intimation whatever that this box would be raided ?
—A. No, sir ; I did not ; it was all a surprise to me. At the time the box was taken there was a negro that was on the ground that day with a lunch stand that I was well acquainted with, and I had sent out for him to bring us in some coffee, and there were two of them came in with it, and one staid in there while the other stepped back to get some sugar to sweeten the coffee, and about the time that he passed out at the door this party came in. We had had the door fastened previous to these black people coming in with the hot coffee, and when we unfastened the door to let them in, as this one went out to get the sugar, he had forgotten it, this party of masked men stepped in, and I was not looking towards the door until some one hollered, "Look out !" This was in the front room of the house of our neighborhood physician, where we were counting the votes. I attempted to make my escape into the back room with the box, and one of them hollered, "Look out," and as I looked around the end of a pistol touched me on the end of the nose, and he taken the box and also grabbed the tickets that were strung. We strung these tickets as we counted them, and he grabbed them and tore them all to pieces, scattered them all over the floor, and went off with the box.

Q. He took it from you ?—A. Yes. sir.

Q. How did you count those tickets ; just as you took them out of the box ?—A. Yes, sir—not exactly either. There were a great many different kinds of tickets. There was what was called the People's ticket, then there was this diamond-shaped Republican ticket, then there was a long Republican ticket gotten out by some of the officials, and then there was a shorter one. You see, we had two negroes running for representative from our district and one of them got up—

Q. But you did not count the straight tickets, did you ?—A. I was going to tell you. One of those negroes who ran on the People's ticket, he got out what was called a Republican ticket, but it was a little different from the balance of them, so that there were four or five different kinds of tickets, perhaps five ; but when I would put my hand in the box and take out a ticket, I had them classified right before me and we counted them five at a time. I had them classified so that when I pulled out a ticket and opened it, if it was a People's ticket I laid it on that pile until they accumulated to the number of five, and then I called it out and it was counted and strung ; and when the diamond-shaped Republican tickets got to the number of five I called it out and it was counted and strung on the string. And so it was through the different kinds of tickets that were polled there that day.

Q. What became of the tally sheet ?—A. A part of the tally-sheet I carried to Brenham. I believe I kept the most of the tally-sheet and carried it to Brenham, and returned it to the clerk.

Q. Then you did not count all the Democratic tickets first ?—A. No, sir ; the tickets were counted just as I taken them from the box.

Q. Five of each ?—A. Yes, sir ; five of each. I classified them, as I tell you, so that we would get through with them without much trouble. Of course each ticket was laid separate to itself until I got to the number of five, and then they were counted as five tickets.

Q. What time did this raid occur ?—A. It occurred about 11 o'clock, or maybe a little later.

Q. You did not recognize any of these men ?—A. No, sir ; I could not say positively who they were.

Q. Did you tell anybody who you thought they were?—A. Yes, sir.

Q. Well, what did you say?—A. I made the remark several times that it looked reasonable that these two men I spoke of were the parties who robbed the box.

Q. Do you mean Lockitt?—A. Yes, sir; Lockitt and Gilder. I didn't see the cause of anybody else taking it. Everything went off quiet and peaceable up to that time. I will state, if it is not out of order, that in the neighborhood where we live it is very peaceable and quiet until just before the election comes off, and then it is an uproar all night long with parties trying to control the black people's vote. Just a few days previous to the election they were up every night, holding what we call "owl meetings," making speeches and trying to influence the black people to vote for a class of officers who have been in power ever since the close of the war. I have been living in that neighborhood ever since the close of the war and living right within a mile of where I am living at present, and those owl meetings during this last election commenced a week or ten days previous to the election, and they were trying to control the black people in their voting. Two years previous to the last election we had a citizens' meeting called, and we nominated what was called the People's ticket, and all the responsible and reliable black people in our neighborhood voted that People's ticket.

Q. That was in 1884?—A. Yes, sir; and the men that ran on the People's ticket were elected.

Q. How do you account for the black people voting the People's ticket?—A. Well, sir; a great many of them—one of them in particular, that owns land and is a mechanic by profession, a very well informed colored man, I was at his house a few days before I left home, and he told me that he had been a Republican all his days—

Mr. TELLER. I do not think we want what these different people have said.

Mr. EUSTIS. We have had nothing but what people have said, all the way along. He is giving the reason why the colored people vote the People's ticket.

Mr. TELLER. There is no end to where you can go if he tells everything that everybody has told him.

Mr. EUSTIS. What did you say about this prominent colored man?

The WITNESS. He stated to me that he had been a Republican ever since he had been set free, but he said he had seen the way they were acting and conducting affairs in the country in which we lived. We had had a black man as commissioner ever since the close of the war until this People's ticket was nominated, and then we elected a white man named Bolton, who owns a little farm there, and the roads from where we live to the county seat, Brenham, were almost in a condition so that it was impossible to travel over them until Bolton was elected commissioner, and when Bolton was elected commissioner he had the roads worked and bridges put across the creeks and ravines (we call them ravines in Texas, but I believe they call them gullies in the old States); he had bridges put across those creeks and streams so that people could travel backwards and forwards. In two years he done all this. This negro was telling me all about this, and he said he spent a day and a night in search of this black man, the Republican, who was the opponent of Bolton as commissioner in the next election, to try to see if he could not influence him to withdraw his name and not run against such a man as Bolton was; that he had no interests at stake, and that Bolton had; and that he would be of some benefit to the community in which we live, and the freedman would not. And he said this Mr.

Brown, as he called him, the colored man, he said that he knew that Bolton was a gentleman and all that, but he said when it came to law matters he knew as much as Bolton did, and he was going to run through.

By Mr. TELLER:

Q. Were there more than three men who came to Graball that night?
—A. If there was I never saw them.

Q. Had there been anybody around the room during the evening amongst you?—A. Yes; Mr. Baldrige, a merchant at that place, came into the room before the box was taken and asked how the vote was running. He was the only one I remember coming in except the black people that I spoke of.

Q. Was anybody else running for office in that precinct besides Judge Kirk and Mr. Schutze?—A. Oh, yes, sir.

Q. A large number of other people?—A. Yes, sir.

Q. How was the vote on the others?—A. To the best of my recollection, some of them were ahead and some of them behind on the People's ticket.

Q. Is that a Republican precinct?—A. Yes, sir.

Q. Pretty strongly Republican, is it not?—A. Yes, sir.

Q. What proportion do you say are Democrats, or those who vote the People's ticket there usually?—A. As I say, the black people are five to one in that precinct, but at the last election and the one previous to this last election, they were tolerably well divided.

Q. What became of this tally-sheet which you say you had made out as far as you had gone?—A. I carried it to Brenham and returned it to the county clerk.

Q. You did not have the box or ballots; all you had was the tally-sheet?—A. That was all.

Q. Did you have the whole of the tally-sheet or only a part of it?—A. I don't remember whether I carried it all or not; when the box was captured I just picked up what was left on the table, rolled it all up together and tied a string around it and carried it to Brenham and deposited it with the clerk.

Q. When these men captured the box, when you gave it up to them, what did they do with it?—A. They just returned out of the door; I do not know what they did with it; I never have seen it since.

Q. One of the men staid in the door and the others came in?—A. Yes, sir.

Q. What did the man in the doorway do?—A. Nothing that I know of.

Q. Was he armed?—A. I could not say.

Q. Was he masked?—A. Yes, sir.

Q. How?—A. He had a white cloth over his face; I never noticed about the balance of his body how he was dressed.

Q. You could not state how he was dressed?—A. No, sir.

Q. How were the men who came into the room dressed?—A. They had a white cloth over their faces, and they had hats on their heads.

Q. What kind of hats did they have on?—A. Well, now, I can't tell you what kind of hats. I tell you I was kind of excited myself. I can't tell you what kind of hats they had on; neither can I tell you what kind of clothes they had on.

Q. You cannot tell anything about their clothing?—A. No, sir; I could not positively tell what kind of clothing they had on.

Q. Where were the ballots that had not been counted?—A. In the box.

Q. Did they take them out?—A. They carried the box off with them.

Q. What did they do with the box?—A. I don't know.

Q. Did you ever find it?—A. No, sir; I never did.

Q. When they went out of the room did you look to see where they went?—A. No, sir; I did not. The first thing I thought about was getting home.

Q. They had gone out; you were perfectly safe, were you not?—A. I didn't know that; I didn't know whether I was or not. As I tell you, the fellow that got the box had a big six shooter in his hand, and as he told me to hold up he punched me on the end of the nose with it as I looked around to see what it was.

Q. And you immediately handed over the box?—A. Yes, sir.

Q. And then he disappeared out of the door?—A. Yes, sir.

Q. He first tore up the ballots?—A. He tore up the tickets, those which were already counted and strung on the string; he tore them all to pieces.

Q. How long did he stay in the room?—A. Oh, it was all done in a second or two.

Q. What became of your associates in the room?—A. We all stood there perfectly amazed until they had passed out, and then we passed out behind them, and we all scattered and went home, I reckon.

Q. How many men were there in the room with you at the time?—A. Five.

Q. Who were they?—A. Two clerks and judges and myself and one of the negroes who brought in the coffee.

Q. All white?—A. Three whites and two blacks.

Q. And one of the colored men who had brought in some coffee?—A. Yes, sir.

Q. What effort did you make to penetrate this disguise they had on?—A. None at all. As I tell you, they rushed in unexpectedly, to me at least, and I attempted to carry the box in the other room where Dr. Thompson was sleeping, and this fellow rushed up and hollered to me "hold up," and I had the box in my arms.

Q. You say you did not know who it was?—A. No, sir; I did not know positively who it was and could not say who it was.

Q. You did not recognize his voice?—A. No, sir; I did not.

Q. You had not any reason to expect that he was coming?—A. Not a bit in the world.

Q. Did you notice whether they were afoot or on horseback when they went out?—A. They were afoot when they went out. As they passed out this negro in there with the coffee he ran out, and he said that they took after him, and that he ran over a mile and fell down and they ran over him and kept on themselves. I don't know whether they were riding, walking, or how.

Q. You didn't try to find out whether they were riding or walking?—A. No, sir; I did not. I tell you I was scared.

Q. Or any one of you?—A. No, sir. The first thing after I got out of the house where we were counting the votes there was a friend of mine who asked me how I was going to get home, and I told him I should walk, I reckoned.

Q. That was after you got out?—A. Yes, sir; and he proposed to loan me a horse, and I went with him about a quarter of a mile from the voting place and got a horse and rode home, and didn't see any more of the parties who got the votes, and never saw the box any more or anything about it. I went on home and went to bed, and went to Brenham early the next morning; as early as I could get there to make my reports.

Q. And you saw these two men who had been down to Brenham during the day?—A. Yes, sir; they had been around there pretty much all day.

Q. You did not see any third man around there who had not been to Brenham?—A. No, sir; I never saw a third man; those were the only two I saw.

Q. Do you mean to say that the general impression in that neighborhood is that those were the men who raided the box?—A. Yes, sir; it rested on them; they didn't live there.

Q. They were Republicans, and were raiding a Republican box?—A. Yes, sir; they were raiding the box because it didn't go Republican.

Q. You do not know about that?—A. No, sir; but that was the suspicion about it.

Q. How did they know it was not going Republican?—A. I suppose they had been there working all day and trying to influence the black people to vote, and so they had some idea about it.

Q. You don't know whether it went Republican or not?—A. No, sir.

Q. You do not know now, do you?—A. No, sir.

Q. It has always been Republican heretofore?—A. Yes, sir; always, except when they voted the People's ticket. Well, I believe it was Republican then.

Q. Don't you know it was Republican, and that it was admitted by everybody that it had gone Republican?—A. No, sir, I do not; not in the last election previous to this election. An old gentleman by the name of Dr. Moore was presiding officer at the last election, and he was very old and feeble, and the commissioners' court appointed me in his place, and I got the appointment just a few days before the election; I did not know that they had appointed me until a few days before the election.

Q. Do you know of any efforts which were made to find out who stole the tickets; has there been any effort made to punish those people, whoever they may be?—A. I do not know that I can say there has been any. Of course there has been a great deal of talk; in fact our country has been in an uproar ever since, or for a week or two afterwards, until all got peaceable and quiet. For instance, I live 20 miles from Brenham, and hardly ever go there. I had been there but once in two years previous to the time I carried the remains of the captured box up there. I remain at home and try to attend to my own affairs, and trust to other men to do my thinking. I was a farmer, and got into this thing unexpectedly.

Q. Nothing of the kind had ever occurred at your box before?—A. No, sir; nothing.

Q. You had heard of the Chapel Hill box the year before?—A. Yes, sir; I had heard of the Chapel Hill box.

Q. Had anything been said about the Chapel box during the day?—A. No, sir; not that I ever heard.

TESTIMONY OF JOHN IRELAND.

Gov. JOHN IRELAND, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What position do you now hold?—Answer. I hold no official position at present.

Q. What position have you held?—A. For the last four years, until the 5th of last January, I have been governor of the State of Texas.

Q. You were governor of the State in November and December, 1886?—A. Yes, sir.

Q. You know the subject-matter of this investigation in regard to the condition of affairs in Washington County?—A. I believe I do.

Q. And the disturbances which have occurred there and the excitement which has existed?—A. Yes, sir.

Q. Please state to the committee whatever you desire with reference to the condition of affairs in that county. In the first place, what sort of a community is that? Is it a law-abiding community?—A. I have known more or less of Washington County and her people for the last thirty-five years. There is a large negro element in Washington County, and quite a large majority of the voting population of that county are negroes, and they have had more or less disturbance in Washington County ever since the passage of the reconstruction laws.

By Mr. SPOONER:

Q. What was that statement? I did not quite understand you.—A. I said that quite a large majority of the voting population of Washington County are Republicans—that is to say, they are negroes, and they are claimed as Republicans generally, without reference to any particular vote; and I further said that since the passage of the reconstruction laws, since 1867, they have had more or less disturbance in Washington County. In 1868 or 1869, probably the latter part of 1868, there was a military company stationed there under command of Major Smith, of the Army, and he burned the town.

Q. What town?—A. The town of Brenham, and also imprisoned a good many of their people. One notable case now that I remember was that of Major McGeary, who was then publishing a paper there. In their local affairs their revenues have been wasted and stolen until the last two or three years, when the methods resorted to by those in authority in that county became so revolting to even the better portion of the Republican party, that they formed what was called the People's party, and succeeded in electing men to office who conducted their local affairs honestly. I have learned (from rumor of course) that there have been one or two ballot-boxes destroyed in the county, I never knew by whom, because I had no official notification of it. I also learned from general history and the press of the country, of the killing of Boulton at the election in November last and of the lynching of the three negroes. I know nothing personally of specific local acts of persons. Washington County is about 80 miles from the capital of the State. I have seen the memorial presented to the Senate by persons from Washington County, and some allusion is made in that to the State government refusing to protect these gentlemen. I do not now remember the exact language, because it has been some time since I read it, but whatever allusion is made in it to that point is not true; it is untrue. The implication is of course that the government refused to do anything for them. The government could not refuse that which had never been requested or asked.

By Mr. EUSTIS:

Q. Right on that point, not to interrupt your testimony, I will ask you a question. Did you ever receive any letter or application from Mr. Hackworth?—A. No, sir.

Q. I mean with reference to these troubles?—A. No, sir.

Q. Or applying to you for any relief whatever?—A. No, sir.

Q. Applying to you as executive of the State of Texas?—A. No, sir.

Q. Now you may proceed.—A. I have nothing myself further that I desire to state, but I am ready to answer any question which may be asked me.

Q. Have you had occasion to travel much throughout the State?—A. Yes, sir; I have traveled over the State more or less for several years.

Q. I will ask you whether you do not find it to be the case that the negro population, where the negroes are in the majority, are generally quiet and orderly except where they are excited by white leaders upon this race question?—A. The negroes of Texas are a confiding people, and are perfectly quiet when left to themselves. The only disturbance among the negroes, so far as my observation has gone, except those who have been incited by white men, have been cases of violence against negroes who desired to vote the Democratic ticket. No negro in the negro districts of that State has been safe until the last year or two who openly espoused the Democratic cause or voted the Democratic ticket. And where they are not persuaded, or driven, or scared to deeds of violence and outbreaks by white men they are no trouble in the country; they are left alone to vote as they please and do as they please as long as they let society alone.

Q. What is generally the object of those white leaders——

Mr. SPOONER. Is that going into the affairs of Washington County?

Mr. EUSTIS. I think so.

Q. What interest have those white leaders in creating this race antagonism and animosity between the whites and blacks?—A. It is generally for the purpose of creating a following for themselves, a following that they cannot obtain in any other way.

Q. A following for what purpose?—A. For political purposes.

Q. Do you mean to obtain office for themselves?—A. Yes, sir; for themselves and for their friends, and to keep themselves prominently before the country, and it is understood, too, that they feel they have a strong coadjutor at this capital to whom they may appeal in case of adversity and disaster.

By Mr. SPOONER:

Q. To what do you allude—to the United States Senate?—A. I allude to the Senate; yes, sir.

By Mr. EUSTIS:

Q. Is it not known there that they are very fond of playing the role of political martyrs?—A. Yes, sir; it is understood there, sir, as it is all over the South, in case of Republican success in national administration, that they may present themselves as martyrs to procure office and recognition.

Q. As victims of political persecution?—A. Yes, sir; as victims of political persecution.

Q. I suppose the colored people generally are rather an ignorant class?—A. As a general thing they are ignorant, but, as I said, confiding, docile, and quiet when left alone.

Q. Are they easily excited in political contests?—A. They are; by men who aspire to be their leaders and in whom they have any confidence at all they are very easily roused to most any measure.

Q. They are prone to believe anything that those leaders tell them in regard to the white people or Democrats?—A. Yes, sir; in regard to the elements, or the laws of nature, or anything else. It was told to them in the last canvass that the Democratic party was responsible for

the earthquakes throughout the South and for the drought ; that Mr. Cleveland's administration was responsible for their getting but 7 cents a pound for cotton ; that was all they got for their cotton, and they were told it was in consequence of the Democratic administration, and such things as that.

Q. How long have you been in public life ?—A. I have been in public life more or less for twenty-five years.

Q. Has it not been an extremely difficult position for the executive of the State, for instance in some portions of it where there is a large negro majority, to prevent this excitement and these conflicts between the white and black races ?—A. It is utterly impossible for the governor of a State, and especially a State like Texas, which has a large territory, to personally direct local affairs in the counties. No State government can be administered without local aid, because the local government is the machinery by which the State government is carried on.

Q. Have you ever heard of any discrimination made, for instance, as regards the administration of justice between either Democrats or Republicans, or white or colored people ?

The WITNESS. In Texas ?

Mr. EUSTIS. Yes.

A. No, sir ; on the contrary, I have been an active practitioner at the bar and an active lawyer all my life, or for thirty to thirty-five years, and have defended numbers and numbers of them, and they have never failed to ask me to give them a white jury to try them.

Q. You are speaking now of the negroes ?—A. Yes, sir ; of the negroes. So far as the Republicans are concerned, the leading Republicans in Texas, I believe they are all my friends, so far as I know them. I do not know a single leading Republican in Texas—

Mr. SPOONER. What has that to do with this inquiry ?

The WITNESS. It is in answer to the Senator's question about discrimination so far as politics are concerned.

By Mr. SPOONER :

Q. You mean the leading Republicans are your friends, or that the leading white Republicans are your friends ?—A. I mean the leading white Republicans and many of the leading negro Republicans.

Mr. SPOONER. That is not at all unlikely.

By Mr. EUSTIS :

Q. The reason I asked you the question was that one witness, Mr. Schutze, has testified that in Washington County it was impossible for a Republican to get justice administered by a court of justice. I want to know from you, as the executive of the State, whether you believe there is the slightest foundation for that statement ?—A. I do not believe there is, and I will tell you why. Beyond my personal knowledge of these affairs, which negatives that idea, the courts in Washington County, the district court, which is the court of general jurisdiction, corresponding to what is called circuits or parish courts in your State, is presided over by a leading Republican and has been for years. Judge McFarland is one of the leading Republicans of Texas, and the juries there are selected by a commission appointed by the presiding judge. At each term of the district court the judge selects the jury commissioners, and these commissioners in turn select the juries that are to try cases at the succeeding term. And speaking now with special reference to that district, Washington County, it is impossible that any discrimination could be made against Republicans in the trial of cases there.

Q. How long has Judge McFarland been judge of the district court there?—A. I do not recollect, but a good many years; several years, I think. His term is about expiring, and he may have been holding that position two terms. He has been there as judge for five or six years, according to my recollection.

Q. Of what class of cases has his court jurisdiction?—A. His court has jurisdiction of all indictments found for felony, and in all felony cases. Cases of lower grade, all misdemeanors, are tried by the county court and before magistrates.

Q. Has not this court jurisdiction of any offense that is punishable by imprisonment in the penitentiary?—A. Oh, yes, sir; all felonies are either penitentiary or death cases.

By Mr. SPOONER:

Q. That is the test of whether it is a felony or not under your statute?—A. Yes, sir; punishment in the penitentiary is the test; punishment in the penitentiary or death. All cases under that are misdemeanors, and a mere fine and imprisonment is the penalty in cases of misdemeanor.

By Mr. EUSTIS:

Q. Under your statute what would be the offense of raiding upon a ballot-box, of armed men going to polling places?—A. The illegal destruction of a ballot is punishable by a fine not exceeding \$3,000.

Q. What court would have jurisdiction of that offense?—A. The district court. It has jurisdiction of any case where the fine may go over a certain amount. Such cases are to be tried by the district court.

By Mr. SPOONER:

Q. Do you mean to be understood as saying that the majority of the voters in Washington County are negroes?—A. That is my understanding, but I may be mistaken about it.

Q. What is the total vote of that county as you understand it?—A. I am not able now to answer your question.

Q. What is the Democratic vote of that county as you understand it?—A. I am not able to state it.

Q. What is the Republican vote of that county as you understand it?—A. I cannot say.

Q. What is the negro vote of that county as you understand it?—A. I cannot state it. I only stated my general impression; I cannot state particulars.

Q. You say that the colored men of Texas are a confiding people?—A. Yes, sir.

Q. You do not, I suppose, mean to be understood that in that respect they differ at all from the colored race in any other State?—A. No, sir; I had no reference to any other State.

Q. You spoke of the peculiarity of the colored people as a race?—A. Yes, sir.

Q. How much time have you spent within the last ten years in Washington County?—A. Very little.

Q. Well, how much?—A. Probably twenty-four hours.

Q. Twenty-four hours in ten years?—A. Yes, sir.

Q. When were you there last?—A. I was there last in November.

Q. How long did you stay there then?—A. I was there twice and staid a few hours each time.

Q. That was before the election?—A. Yes, sir.

Q. That was in November last?—A. In November. No, I think it was last October, prior to the election.

Q. It was during the campaign?—A. Yes, sir.

Q. How long had it been since you were there prior to last October?—A. About two years.

Q. You never have lived in that county?—A. No, sir.

Q. Have you lived near that county?—A. No nearer than the capital of the State.

Q. And that is about 85 miles or so from there.—A. Yes, sir.

Q. Do you mean to be understood as saying that from the reconstruction days down to two years ago that has been considered a county of violence?—A. I did not use the word "violence." I said more or less disturbance.

Q. You referred to the burning of the city or town of Brenham in 1868?—A. Yes, sir; in 1868 or 1866.

Q. Was it not in 1869?—A. I am not particular about the year. I cannot remember the year; but it was about that time.

Q. That was about the end of the war, in the early days of reconstruction, was it not?—A. It was after the war, and after the abolition of the State government inaugurated under the Johnson reconstruction policy.

Q. The troops you spoke of as being there were Federal troops?—A. Yes, sir; a company was there.

Q. To what extent was the city or town burned?—A. My understanding was, and is, that a large portion of the town was burned. I cannot say how much. It was a small town.

Q. How large a town was it at that time?

The WITNESS. You mean how many inhabitants?

Mr. SPOONER. Yes; in a general way.

A. I do not know. I suppose 2,000 or 2,500; maybe more.

Q. Is it not true that only a few houses were burned on the west side of the square?—A. I never saw the burned district. I only know it as a matter of public history.

Q. You do not mean to be considered as accurate in saying that it was a matter of public history that nearly the entire town was destroyed?—A. I do not mean to be so understood, and I did not say that, I do not think. If my language implies that the entire town was destroyed, my statement was erroneous.

Q. I thought you did say so.—A. I did not intend to state that the whole of the town was burned; I mean to state that a considerable portion of the town was burned.

Q. You mentioned a Major McGeary; who was he?—A. He was an editor.

Q. The editor of the Democratic paper there?—A. Yes, sir.

Q. A very bitter paper there?—A. He is a very decided writer.

Q. Was it not a notoriously bitter, an exceedingly bitter paper?—A. I think he spoke the truth.

Q. I did not ask you that.—A. I cannot speak about its being bitter.

Q. His printing office was attacked by the soldiers, was it not?—A. I do not know whether it was attacked by the soldiers. I know he issued his paper from the jail awhile after he was put in jail.

Q. I have been informed (of course I know nothing about this case except what I hear from these gentlemen around me) that his abuse of the soldiers was such that his paper was attacked by the troops there; that he excited them and incensed them by abuse found in the columns of his paper?—A. In those days to speak the truth against many per-

sons engaged in the reconstruction of the Southern States was regarded as offensive and abusive.

Q. I am speaking of abuse against the soldiers?—A. I did not hear that.

Q. You do not know whether that is true or not?—A. No, sir.

Q. Is it a fact that several Federal soldiers were killed in the streets of Brenham before the burning of the town?—A. If it was so I had forgotten it.

Q. You do not know whether it was so or not?—A. No, sir; I do not.

Q. Then you do not undertake to give any testimony as to the cause of that disturbance, do you?—A. No, sir; I only know that it was a difference between the leading people of Brenham and Major Smith, who commanded those troops there.

Q. It was not a quarrel between the Republicans and Democrats, or the Democratic citizens of the county, was it?—A. I know that Major Smith retained his commission in the Army, and was subsequently stationed in the town where I lived.

Q. But you do not undertake to say that it was the result of a quarrel between Republican and Democratic citizens, residents of the town of Brenham?—A. I understood at the time, and it is still my understanding, that politics entered more or less into it.

Q. Well, what is the next political excitement that you recollect of?—A. I am not able to specify.

Q. I understood you to say something about the revenues of the county. Let us see; they had a Republican administration in that county from the reconstruction days down to two years ago, did they not?—A. Until two or three years ago, or four years ago.

Q. Well, down to 1884?—A. Yes, sir.

Q. Then for the first time a Democratic ticket was elected?—A. A Democratic or Conservative or People's ticket I believe they called it.

Q. I understood you to say that from the reconstruction days down to the election of this ticket in 1884 the revenues of that county had been wasted and stolen?—A. I mentioned that as one of the items; yes, sir.

Q. It is as to that item that I desire to interrogate you briefly. Will you be a little more specific, if you please, on that subject?—A. I am not able to specify, not living in that neighborhood, but it is a matter of notoriety that their revenues were destroyed, wasted, and stolen to the amount, in one case, I think of twenty or twenty-five thousand dollars.

Q. But the term during which the Republicans had the administration of affairs in that county was from the reconstruction days, as I understand it, down to 1884, a good many years. The general charge which I understood you to make against the Republican administration of the county is that during those years the revenues were wasted and stolen?—A. No; I repeat to you that I only mention that as one item, and I did not intend to say that the revenues during the whole time had been wasted or stolen.

Q. I understand that was one of the items, but that was your statement in connection with that item?—A. Yes, sir.

Q. Now I want to know what Republican officials during those years were found to have been defaulters?—A. I am not able to mention them.

Q. I do not care as to the names; I only want to know as to the office?—A. I think it was a county treasurer, though I am not positive.

Q. What other one?—A. There was no other. I cannot specify whether there were any sheriffs or collectors.

Q. I want to ask you, then, to name the Republican county officials who during the years of Republican administration in that county down to 1884 were found to have improperly used any of the public moneys?—

A. I repeat that I cannot name them, because I only know that revenues were destroyed and wasted.

Q. That is a pretty general indictment against the men who held those offices. I would like to have some specifications.—A. A man not living there and not being personally interested could not specify, and I cannot do it. I repeat to you that I cannot do it.

Q. Then you know nothing about it except that you have heard that the Republican county treasurer defaulted to the extent of twenty or twenty-five thousand dollars; is that true?—A. Yes, sir; that is true.

Q. And that is the only specific offense or the only instance which you can give upon which you base your assertion that the revenues were wasted and the moneys stolen; is it?—A. Yes; that is the only instance which I can mention.

Q. Do you consider that an adequate foundation for the broad charge you made, that during those years the revenues were wasted and the public moneys stolen?—A. I repeat to you, Senator, that I did not intend to say that the revenues during those years were wasted and stolen. I intended to mention that as an item that occurred during those years.

Q. Then all you mean to be understood as saying on that subject is that one county officer during those years was found to have been a defaulter to the extent of \$25,000?—A. Yes, sir; that is all.

Q. Then you do not mean to say at all, having reference to the current administration from year to year in that county, that they were found to have been dishonest or wasted the public moneys?—A. No, sir; I do not mean to say that.

Q. How was it in the county of Harris; was the public money wasted and stolen in that county?—A. In the city administration I believe it was.

Q. What was that, a Democratic county?—A. No, sir; that was Republican.

Q. Harris County?—A. Yes, sir. The city of Houston is located in Harris County.

Q. I am not talking about the city; I am speaking about the county.—A. I speak of the city government.

Q. I am speaking of the county government.—A. There has been some money lost by the collector of Harris County in the last three or four years, but he promptly made it good.

Q. How much; a \$100,000?—A. No, sir.

Q. How much was it?—A. \$10,000, I think.

Q. As I understand your statement, it has narrowed down so that I do not care to pursue that branch of the subject further.—A. I do not recollect Davis or his defalcations.

Q. In your county governments, I understand, you evidence your indebtedness by issuing certificates, which are called scrip. With us they are called county orders.—A. Yes, sir; we call it scrip.

Q. Do you know at what the county scrip in Washington County sold ten years ago?—A. No, sir; I do not.

Q. Do you know what it sold for in 1884?—A. I do not know what it ever sold for; I was not familiar with the local affairs there.

Q. You would consider it a pretty fair record for an administration to raise the county credit so that the scrip which had been selling at

40 cents on the dollar was selling at ninety to ninety-five cents?—A. That all depends upon how much money they take from the people.

Q. And it would depend something upon whether they stole it or used it honestly after they got it?—A. There is something in that.

Q. Indeed, is not that the principal thing?—A. Well, that is one thing, to be sure.

Q. You spoke of the methods resorted to by Republicans in that county. Your statement was a very general one, but I think that you said that they were "revolting." I would be glad to have you indicate what you mean by that and what you know about it of your own knowledge.—

A. If the methods of your party in your State were such as to cause you to form a new party, revolting or rebelling against the methods practiced, and forming a new party, a People's party—and I state this by way of illustration to explain what I mean. I mean to say that the principal white Republicans of Washington County, so far as I understand it, did abandon the Republican organization and form with the Democrats what they called the People's ticket.

Q. I am speaking of the "revolting" methods of the Republicans that you allude to. You spoke of the methods resorted to by the Republicans there as being "revolting." Now, if you mean by that that they stirred up the race prejudice among the negroes, say so; and if not, I would like to have you state what you do mean by that expression.—A. My understanding of that is this: that their methods with the negroes—

Q. I am only asking you to state that in regard to which you have personal knowledge.—A. I have no personal knowledge of affairs in Washington County, I repeat.

Q. None whatever?—A. No, sir. I have been a public man more or less, and I have heard many things about it; besides I read the dispatches in the morning papers and I know in a general way what is going on over the State.

Q. Then you do not undertake to criticise from personal knowledge, or in any specific way, the methods which have been ordinarily resorted to by the Republicans of Washington County?—A. No, sir; I have no personal knowledge of the subject.

Q. Well, upon what was it based; will you indicate some methods that you considered revolting and that you mean to designate by the term revolting?—A. When I said their methods had become so revolting, I only spoke by repeating what had been said by the people of Washington County.

Q. When you say "the people" you mean the Democratic people?—A. And the Republican people.

Q. Well, who?—A. Enough of them to carry the elections in that county.

Q. That is a mooted question as to who carried the election.—A. Oh, well, I cannot answer. There are probably now in this city twenty or twenty-five Republicans from that county who have abandoned the Republican organization and are co-operating with the People's party.

Q. You say the leading and best Republicans left the Republican party?—A. I do not say the best, for I do not know.

Q. Well, then, the leading Republicans?—A. I cannot say about all the leading Republicans, but I mean the substantial people of Washington County.

Q. That information is of the most general kind, is it not?—A. I mean to say this: that the people who are interested in the prosperity of Washington County, who own property there and pay taxes, have co-

alesced with the Democrats for the purpose of controlling the politics of that county. That is what I mean.

By Mr. EUSTIS:

Q. For the purpose of good government?—A. Yes sir.

Mr. SPOONER. Hold on. The witness knows what he means and he knows how to say it, and we all know that he knows it.

By Mr. SPOONER:

Q. You do not mean to say that there were not hundreds and hundreds of men in Washington County, who own land, and who pay taxes, and who are good citizens, who voted the Republican ticket at the last election, do you?—A. No, sir; I do not mean to say that. But I do mean to say that enough of the Republicans who are interested in the welfare and the prosperity of that county coalesced with the Democrats and enabled them to carry the county.

Q. A good many of the negroes vote the Republican ticket who own no property?—A. That is my understanding. I don't suppose they own much.

Q. Do you know what happened in that county at the last election in November?—A. I know it from general information.

Q. What do you understand occurred there?

The WITNESS. Do you speak with reference to this investigation and the memorial which has been presented?

Mr. SPOONER. I speak with reference to the offenses against the ballot-box.

A. I understand that a peaceable, quiet white man was shot down there for making his appearance at one of the voting places, by a lot of negroes under orders from white men to shoot any white man that presented himself at that poll that day, that night.

Q. Do you know anything about it personally?—A. I do not.

Q. Well, what else do you understand?—A. I understand that there was a ballot-box destroyed at some precinct of the county, I cannot remember the name of it.

Q. Was it at the Flewellen precinct?—A. No.

Q. Was it at the Graball precinct?—A. Yes; it was at Graball, I believe.

Q. What else?—A. That is about all I remember that occurred of any note, so far as the general history of the matter is concerned.

Q. Do you remember to have heard of the ballot-box containing ballots cast at the Lotts polling place being taken by armed men from the custodians of it?—A. No, sir, I heard that there had been a ballot-box or two destroyed in that county, but I remember but one, a polling place that was called Graball precinct.

Q. Do you remember hearing of the hanging of the three negroes who were hung there?—A. That occurred some time after the election.

Q. Not a very great while after the election?—A. Well, several days, some time.

Q. Was your attention called at any time to outrages upon the ballot in that county?

The WITNESS. Do you mean officially?

Mr. SPOONER. What do you mean by "officially"?

The WITNESS. You asked me if my attention was called to it.

Q. I mean, did any reputable citizen of Texas bring to your notice, as governor of that State, the fact that outrages had been perpetrated on the ballot-boxes in that county?—A. No, sir, they did not; there was no representation made to me.

Q. Do you know Mr. Hackworth?—A. No, sir; I do not know Mr. Hackworth.

Q. Did you receive a printed circular from any one in Washington County giving a history of what occurred in that election?—A. I did not. If the circular was sent to the governor, to the office of the governor of Texas, it probably went into the waste-basket. I never read circulars. The governor of Texas has other business to do besides reading circulars.

Q. I presume that is true. I suppose if a circular charging serious offenses against the law in that State, and over the signature of a citizen of the State, came to your knowledge, you would deign to read it?—A. I never found time to read such circulars while I was governor of Texas.

Q. Do you know Judge Rector?—A. Judge Rector who lives in Austin?

Q. Yes; the chairman of the Republican State Central Committee.—A. Yes, sir.

Q. Did you have any conversation with him at any time in regard to the outrages upon the ballot-boxes in Washington County?—A. No, sir; I did not.

Q. Or as to the hanging of the colored people there?—A. There was a conversation between Judge Rector and myself about the hanging of those people.

Q. The fact of their being hanged was brought to your notice as governor of the State?—A. Yes; by Judge Rector.

Q. You did not consider that officially brought to your notice perhaps?—A. Well, sir; I considered it officially brought to my knowledge. Judge Rector waited upon me because I was governor of Texas, and I considered it an official communication, or rather I received it officially. He could have had no other motive in coming to me than that I was governor.

Q. I suppose you took no measures to discover the perpetrators of that outrage?—A. No, sir. The conversation between Judge Rector and myself was a private one.

Q. I am not asking you to give it if you do not choose to.—A. And the reason why I took no measures in the matter was because of reasons suggested to me by Judge Rector, and he might not want them disclosed.

Q. Is it customary for the governor of Texas to offer rewards when outrages and murders are committed?—A. When he is requested to do so, and if there is a likelihood of his finding anything.

Q. When he is requested by whom?—A. By some person interested in the matter, or some persons who know the surroundings in the case.

Q. You were not requested to offer any reward?—A. It was suggested to me; the matter was suggested.

Q. But no reward was offered?—A. No, sir, none was offered; and I will tell you the reason why. It was suggested that in no instance had any member of a mob of that sort, who came at night and committed a deed of that kind, ever been punished, and that the reward would effect nothing at all. It would effect nothing whatever.

Q. It would not have cost the State of Texas anything to have made the offer then?—A. No, sir; it would not, but it would have been regarded as a bid for bribery, a bid for corruption.

Q. Why in that case any more than in any other case of murder or any other heinous crime?—A. We knew that that murder had been committed and the men had been taken out and hung.

Q. It is always known that a murder has been committed before the governor offers a reward?—A. It is generally supposed, at least, that a murder has been committed if it is not known. Your asking me these things places me under the necessity of telling what Judge Rector said to me.

Q. I do not want to put you in any position which you feel fairly calls upon you to do anything which a gentleman ought not to do, certainly not.—A. You have already got down the fact that it was brought to my knowledge that the negroes had been lynched, and Judge Rector waited on me and suggested rewards; you have already got that.

Q. You said in your direct examination, as I understood it, that you had refused assistance.—A. That was in the election and in the ballot-box matter.

Q. Very well, make any statement you choose.—A. Judge Rector suggested to me that no good could come of a reward being offered. Judge Rector is a gentleman, a clever man, and an honest one; and he suggested that I offer a reward, although stating at the same time that it could effect no good; that the men could not be convicted if apprehended and identified, but that it would take from the Republican party in the North a handle in the coming elections.

Q. That is, you say Judge Rector told you that?—A. Yes; he suggested that.

Q. That is to say, Judge Rector suggested to you the offering of a reward and then advised you not to offer it, at the same time?—A. He did not advise me to offer a reward, and I did not so state. You do not state it correctly. He suggested the offering of a reward, but stated that he did not believe it would effect any good, except to stop, probably, the very proceeding that is now going on here by this Senate, and to take out of the mouth of the Republican party in the North a hue and cry against the South which they would have if I did not offer rewards.

Q. He was chairman of the Republican State Central Committee of Texas, and he waited upon you and informed you of the hanging of these three men, and suggested to you the offering of a reward for the apprehension of the men who hanged them, and then he suggested to you as a reason why perhaps the reward ought not to be offered?—A. No; not why it ought not to be offered?

Q. Why it ought to be offered?—A. Yes, sir.

Q. That if it were offered it would deprive his party in the North of the opportunity to use that fact against the Democratic party?—A. Yes; that is exactly what he said. And he said further, that no instance could be mentioned, and probably no number or body of men like that would ever be punished by law.

Q. And you offered no reward?—A. No, sir; I did not offer any reward.

Q. You do not know of any steps whatever having been taken looking to the apprehension of those men?—A. I do not.

Q. You say you were not called upon to offer any reward for the apprehension of these parties who committed depredations upon the ballot-box?—A. No, sir; I was not, and if I had been I would not have offered the reward. The reward fund is not placed at the disposal of the governor of Texas for the purpose of convicting men of misdemeanors. That was a misdemeanor under the laws of Texas, and we do not offer rewards there in such cases.

Q. So that if any ballot-boxes in Washington County had been seized by masked men before the ballots were counted in them, upon a con-

spiracy, or to pursue a conspiracy, you, as governor, would not have felt it incumbent upon you to take any steps leading to the apprehension of the persons who committed that offense, because it was a misdemeanor?—A. Your question is a very sweeping one. As to what the governor would do if the vote or the ballot-boxes in a State like Texas were destroyed is hard to tell.

Q. I did not say in the State; I said in Washington County.—A. No, sir; I do not know that I would, because we are not in the habit of doing it in matters of misdemeanor.

Q. Then you did not offer a reward for the apprehension of men who raided the ballot-boxes, because it was a misdemeanor?—A. Yes, sir; and because I was not requested to do it.

Q. Of course you read the newspaper published there?—A. Yes, sir.

Q. You read, doubtless, the telegrams from Brenham, and the communication from Brenham in the Austin papers or the Galveston News in regard to the election in Washington County?—A. No, sir; I cannot say that I read anything in the Austin papers. I read most of the despatches in the Galveston News.

Q. You do not remember now in the mass of things you read anything referring to this matter?—A. No, sir; nothing specific. The truth is, we learned some bad things from this capitol in 1876 about ballots, and some of our people down there they haven't given up the idea yet of destroying ballots. They do not follow that, as yet, as they ought to, probably.

Q. It seems to have been entirely confined, in this instance, to Republican ballots?—A. I do not know. As far as my information goes the Democrats had a majority in the count at the Graball precinct.

Q. That is not my information, but yours may be different.—A. It was stated here to-day that a Democrat had 10 majority so far as they were counted.

Q. We have taken the testimony of several witnesses on that subject. Do you know personally of any attempt on the part of the Republicans of Washington County to create what you call a race prejudice?—A. I do not, sir.

Q. You do not know of any difference in the Republican politicians in that county in that respect from the other counties in Texas, I suppose?—A. I know there has been more uneasiness and more disturbance in that county than in most of the others. I only know that from general information. Personally I know nothing at all about it.

The subcommittee then adjourned until Thursday morning, February 24, 1887, at 10.30 o'clock.

WASHINGTON, D. C., *February* 24, 1887.

The subcommittee met pursuant to adjournment at 10.30 o'clock a. m.

Without examining any of the witnesses in attendance the subcommittee adjourned until Friday, February 25, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *February 25, 1887.*

The subcommittee met at 10.30 o'clock a. m. pursuant to adjournment.

TESTIMONY OF J. H. ROBERTS.

J. H. ROBERTS, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS.

Question. What is your full name?—Answer. John H. Roberts.

Q. How old are you?—A. I am forty years old.

Q. Where do you live?—A. In Washington County, State of Texas.

Q. How long have you lived there?—A. Forty years.

Q. Where do you vote?—A. I vote in that county.

Q. At what polling place?—A. At Graball.

Q. Were you about the polls during the last election?—A. I was there only for a very short time. In the evening on the day of the election, I hitched up my hack and went by my father's, who lives about a mile from where I reside, and took him down there, and we remained there about one-half hour and voted and left.

By Mr. EVARTS:

Q. You say you went there in the evening?—A. I mean in the afternoon, in the day time, not in the night.

By Mr. EUSTIS:

Q. Do you know anything about how this People's ticket was gotten up?—A. Yes, sir, I have some idea. It was just on account of the corruption and venality, the rascality and thieving of the Republican party in that county.

Q. It was gotten up by the good citizens?—A. Yes, sir; gotten up by the good citizens of our county, sir. The Republican party became so corrupt that the better element of the Republican party just quit them and came together with the good citizens of the other side, and put a ticket in the field.

Q. How was it with the colored people?—A. A great many of the colored people affiliated with and voted for the Citizen's ticket.

Q. Men who were Republicans?—A. Yes, sir; that had been Republicans before.

Q. Then I understand you to say that under Republican rule in that county the administration had been such as to dissatisfy all the people?—A. Yes, sir; that is my statement, sir.

Q. And the cause of great complaint among them?—A. Yes, sir.

Q. And this was a ticket gotten up regardless of political party lines?—A. Yes, sir.

Q. What was the cause of this dissatisfaction; the defalcations of officials?—A. Yes, sir.

Q. State what you know about that.—A. I will state this: That to my certain knowledge, in that county, without a single exception, there has not been a Republican in that county who has held a money office but what has been accused (that is since the war, understand me) of defaulting and stealing public moneys; not a single one.

Q. Have the taxes been pretty high?—A. Yes, sir; the taxes have been very high, and our county scrip was down there at one time to about 40 cents on the dollar.

Q. Were any improvements going on?—A. None at that time; none at all until this Citizens' ticket elected a lot of officers and put them in,

and then the county began to improve; we began to get bridges and other improvements in the county; that was the first we had got since the war.

Q. What do you know about the citizens' meeting held after the election?

The WITNESS. Held after the election in that county?

Mr. EUSTIS. Yes.

A. I was not present at that.

Q. In your neighborhood, I mean?—A. In my neighborhood? Yes; I know a good deal about that.

Q. State what you know about the sending of telegrams for troops.—

A. I have a telegram here that I sent off [producing the telegram].

Q. You say there was a meeting held?—A. Yes, sir; there was a meeting held.

Q. Where was it held?—A. It was held at the Baptist Church, in the neighborhood.

By Mr. TELLER:

Q. Was it held at Graball?—A. No, sir; not at Graball, but about 2 miles from Graball.

By Mr. EUSTIS:

Q. What was the meeting for?—A. After the killing of Boulton out at this voting precinct of Flewellen the country was under a good deal of excitement, and there was a report came into the neighborhood there that the negroes—this was on Sunday after the killing of Boulton. Boulton, you understand, was killed on the night after the election.

Q. You mean he was killed on the night of the election?—A. Yes, sir; he was killed on the night of the election, and on the next Sunday the negroes had preaching out there in the neighborhood, and they were so thoroughly stirred up and excited about the arrest of these parties, you know, that had been accused of killing Boulton that they would not go in the house to hear the preacher at all. They sat outside caucusing among themselves, and they made some threats and said if those negroes were not turned loose by Thursday that they intended to rise and release the negroes and massacre the white people. That was the news that was brought to the white people of the neighborhood. The news was brought in the neighborhood and a meeting of the people called. In that end of the county the niggers outnumber us about six to one, and we were completely at their mercy, and held a meeting and decided on calling for help, and that was the origin of that dispatch.

Q. Were you secretary of the meeting?—A. Yes, sir; I was secretary of the meeting.

Q. Is this the dispatch you sent [handing a dispatch to the witness]?—A. Yes; that is the dispatch.

Mr. EVARTS. That telegram had better go in evidence.

The following is the telegram referred to:

COURTNEY, November 8, 1886, 5 p. m.

To SHERIFF:

Send to Lotts store, immediately, fifty men armed, on horseback. We apprehend an insurrection from the negroes.

J. H. ROBERTS,
Secretary Citizens Meeting.

By Mr. EUSTIS:

Q. State whether your request for those troops was complied with by the sheriff.—A. Yes, sir; it was. He came down with about sixteen or eighteen men.

Q. How long did they stay there?—A. They remained there until the next day. They got there in the night, and they remained in the neighborhood until the next day about 2 o'clock, I suppose, and then dispersed and went back to Brenham.

Q. Did the excitement subside after that?—A. Yes, sir; it subsided.

Q. Was there a great deal of excitement among the negroes there at the time?—A. Yes, sir; that report, as I tell you, was brought to us by a negro direct from that meeting.

Q. What was the general impression as to the cause of the hanging of those negroes?

The WITNESS. Do you mean the hanging of those negroes that were in jail?

Mr. EUSTIS. Yes.

A. Well, it was thought that they killed Boulton; assassinated him there at the voting precinct; that was the general impression.

Q. Did you ever hear that they were hung because they were supposed to be important witnesses?—A. No, sir; I did not. I never heard anything of the kind.

Q. Do you know Mr. Hackworth?—A. I am not personally acquainted with him.

Q. Do you know Mr. Moore?—A. Yes, sir; slightly.

Q. Do you know Mr. Schutze?—A. No, sir; I am not personally acquainted with him, either.

Q. What is the general character and reputation of those men in that community?—A. It is just as bad as it is possible for a man's character to be.

By Mr. EVARTS:

Q. All three of them?—A. All three of them—that is, among the good people of the country, understand me.

Mr. EUSTIS. I have no other questions to ask.

Q. I think you have not stated what your profession or employment is.—A. My profession? I am engaged in farming.

Q. Where is your farm or plantation?—A. It is in the east end of Washington County, lying about 4 miles west of this voting place known as Graball.

Q. How long have you occupied that farm?—A. That farm I have only occupied one year.

Q. Is it owned by yourself or hired?—A. No, sir; I am renting the place I am now living on.

Q. Where had you lived before?—A. I lived on a place there in that neighborhood from 1859 up until 1871. My father lives there in the neighborhood, and I lived with him during that time, and then I married and went on a place of my own, and I afterwards sold that.

Q. Where was that place?—A. In the immediate neighborhood where my father lives.

Q. Then all this while you have lived in this same neighborhood?—A. Yes, sir; with the exception of four years I have been in that county.

Q. Have you been engaged in politics?—A. No, sir.

Q. Which political party do you belong to?—A. Well, sir, I have been with the Democrats, and since we organized this People's ticket in the county I have affiliated with them.

Q. You never have been a Republican?—A. No, sir; I have never voted with the Republicans.

Q. Have you looked with any complacency on the Republican party conduct of affairs there at any time?—A. I don't understand that.

Mr. EVARTS. Read the question to him.

The reporter read as follows :

“Q. Have you looked with any complacency on the Republican party conduct of affairs there at any time ?”

A. Yes, sir.

Q. What part of it ?—A. You will have to state that again in a way I can understand it. I don't understand it exactly ; I may be mistaken.

Q. You perhaps do not understand the word “complacency.” Have you looked with favor on the Republican party conduct of affairs there at any time ?—A. No, sir ; I have not ; I have not.

Q. Not at any time ?—A. Not at any time since they have been in office.

Q. Have you looked with favor upon the conduct of affairs there by the Democratic party ?—A. I have.

Q. What part of that time ?—A. All the time that they have been in office since I have been in the county there.

Q. Has there been any fault found with the course and conduct of affairs there by the Democratic party ?—A. None that I have ever heard of.

Q. Was there any good conduct by any part of the Republican party during any part of the time they were in power ?—A. If there ever was I never heard of it.

Q. Is that the general Democratic opinion ?—A. I think it is ; yes, sir.

Q. You have spoken of rascality and thieving as having characterized the Republican party all the time they have been in power since the war ?—A. Yes, sir.

Q. Won't you give some instances that have come within your own knowledge ?—A. I will. There was a man named Hodgison there in our county after the war, during E. J. Davis's administration (Colonel Giddings will correct me if I don't state the matter accurately), but any way, they levied a tax on the people of our county for the purpose of working the roads, and they let out contracts to various individuals to work the roads. This man Hodgison got the contract to work, I think, all the roads or nearly all in our county, and he proved a defaulter and swindled the people there, and they took him up, tried, and convicted him, and sentenced him to the penitentiary for defaulting and stealing the money.

Q. When was that ?—A. I cannot give you the date or the years.

Q. About when ?—A. It has been, I suppose, some fifteen years ago ; I reckon fourteen or fifteen years ago.

Q. Well, that wound up in that way, did it not ? Is he in the penitentiary now ?—A. No, sir ; he is not in the penitentiary, but the way I heard it stated——

Q. No matter if he isn't there. Just answer my question ; he is not still in the penitentiary ?—A. No, sir ; he isn't in the penitentiary now, but he ought to be.

Q. You say he was convicted and sentenced ?—A. Yes, sir ; he was convicted and sentenced.

Q. Was he imprisoned ?—A. He was not put in the penitentiary.

Q. Where was he put ; was he imprisoned anywhere, the penitentiary or anywhere ?—A. No, sir ; I do not think he was.

Q. What was the reason ?—A. Well, sir, the judges who occupied the bench there were appointed by Davis, and they threw the thing out and got rid of it in some way.

Q. You mean the sentence was reversed ?—A. I can't tell you exactly how he got rid of it, but I know he got out of it in some way.

Q. Don't you know that the judgment was reversed by the supreme court of that State of yours?—A. I cannot say positively that I know it to be a fact.

Q. Have you any idea that it is so?—A. Our government was so corrupt during those times that it is right hard for a man to tell how they managed affairs.

Q. Do you mean it was so corrupt in the whole State?—A. Yes, sir; it was under Republican administration, and they carried everything with a high hand.

Q. Do you say now that all you know about this case is that this man was convicted and sentenced, and what happened afterwards about his sentence and its reversal by the supreme court of that State you do not know anything about? Is it news to you that that reversal took place?—A. I have stated to you what I know about it.

Q. Is it news to you now, here, that that reversal took place?

The WITNESS. By the supreme court?

Mr. EVARTS. Yes.

A. Yes; that is news to me, if it was the way it was.

Q. That it was reversed by any court?—A. Yes, sir; it was news to me, for I never did know exactly how he did get out of it.

Q. Then it is news to you now, here, in this room, for the first time, that that judgment about which you have spoken as sentencing this man was reversed? You need not consult with your friends.—A. I am not consulting with my friends.

Q. I want you to tell this committee whether this subsequent history is entirely news to you now, here.—A. I told you it was. Understand me, if you please, that during the days of E. J. Davis's administration there in our State that the government was——

Q. Answer my question.—A. The government was so corrupt——

Q. No; answer my question, and you will have an opportunity to explain that all afterwards. I wish you to answer my question now.

The WITNESS. What is your question?

Mr. EVARTS. Read the question.

The reporter read as follows: "Q. I want you to tell this committee whether this subsequent history is entirely news to you now."

A. I replied to him once——

Q. Will you answer the question?—A. That I didn't know how he ever did get out of it; that is the way I replied to it.

Q. That is the only answer you can make to my question?—A. That is the only reply I can make.

Q. Very well, you do understand the question, do you not, and you cannot answer yes or no?—A. I say it is news to me, and I also say that I never did learn exactly how he did get out of it.

Q. You answer that this is news to you now, here, for the first time that that sentence was reversed; give me an answer yes or no.—A. I have replied to it.

Q. Do you say yes?—A. Yes.

Q. Very well. Now will you give me any other instance of rascality and thieving during the Republican administration?—A. Well, sir, about 1873, 1874, or 1875, I cannot give you the year right now, because I haven't got the dates, there was a man named Len Smith who was sheriff of our county, elected on the Republican ticket. He was also tax collector of our county—sheriff and tax collector. His home was down in the east end of the county, where I lived, about 4 or 5 miles from where I live, and I was well acquainted with him, and frequently he was absent from his place of business, and he would be off in the

county at other points around when persons would go there to pay their tax. Well, I met him out one day and I asked him (I was well acquainted with him) when he was going to be in Brenham, and he told me he didn't know. I said, "I want to come up there to pay my tax and my father's tax," which amounted to about one hundred and thirty odd dollars. He says, "You just go to Breedlove & Chadwick's bank and leave the money," and he says, "You can get your receipt some other time when you are in Brenham." A short time after this I went to Brenham and paid these taxes——

Q. Paid them to the bank?—A. Yes, sir; paid them to the bank and fortunately took a receipt from the cashier of that bank, a man by the name of Thacker.

Q. You say "fortunately;" do you mean to say it was an accident?—A. We lived about 18 or 19 miles from the county seat, and in those days we had very little intercourse with it unless we had special business there, and we just neglected going there after our receipts, and didn't go in fact for a year or more until they got after us about this tax and brought it up against us. I had preserved this receipt, as I tell you, and I unearthed that, and I went and made them straighten the thing up. So that it showed very plainly that they had the use of this money a year or more and they never had accounted to the State for it, the one hundred and thirty odd dollars. Now I can swear to that, for that came under my personal knowledge.

Q. The charge, then, is that you say somebody used this money without crediting the State with it, or what is the point of fault?—A. I say that Smith misappropriated it, and I accused him of it.

Q. Do you mean the sheriff?—A. I mean the sheriff and tax collector of that county, for he ought to have gone there and got the money and accounted to the State for it, and he never done it.

Q. This is the point; just attend to me if you please. The point is that you had paid it to the bank.—A. By his direction.

Q. I know; you need not repeat it. You paid it to the bank as stated?—A. Yes, sir.

Q. And that the sheriff came around, or the tax collector, who was the same person?—A. Yes; a year afterwards.

Q. A year afterwards he came around to collect the same tax?—A. Yes, sir.

Q. Did this man in person, Mr. Smith, come there?—A. No, sir; it was one of his deputies.

Q. And you showed him the receipt?—A. No, sir; I didn't show him the receipt at all; I told him I had the receipt.

Q. You did not have to pay the tax a second time?—A. No; I didn't have to pay it a second time.

Q. And Mr. Smith, the tax collector, accounted for the money to the State?—A. I don't know whether he did or not.

Q. You do not know that he did not?—A. No, sir; I do not know that he did not or that he did.

Q. So that your point is that during this time the State was not credited with the money?—A. No, sir.

Q. And you think that is rascality and thieving?—A. If it had been credited I don't suppose he would have ever called on me for it again. If the State had been credited with it, and his books credited with it, he would not have called on me for it again.

Q. Well, that is all that you know about it?—A. That is all I know about that; yes, sir.

Q. Do you know whether this bank retained this money until you had given this information to the deputy collector?—A. No, sir; my idea about it is that Smith got it out of there and used it.

Q. That is your imagination, isn't it?—A. That is my idea about it; you can call it imagination or whatever you please.

Q. I want you to tell me all you know.—A. I have told you all I know about it.

Q. Then it is all you know, and this is your imagination, is it not—your information—I don't care what you call it? You do not know whether this Mr. Smith ever had that money in his hands until the time that you gave information that it had been paid at the bank. If you know the contrary, say so, or tell whichever way it is.—(No response.)

Q. If you cannot say anything further we will proceed. Is that all you can say about it?—A. Yes, sir; that is all I care to say about that.

Q. Did you ever accuse Mr. Smith with having had that money at the time that application was made to you for a second payment?

The WITNESS. Did I accuse him of having it?

Mr. EVARTS. Yes.

A. I most assuredly did. I accused his deputy, a man named Breedlove.

Q. When did you do that?—A. I didn't do it until they got after us to collect it again. I got on my horse and rode 17 or 18 miles to where he lived, and made him get on his horse and ride with me 10 miles farther down to the county seat to straighten that thing up.

Q. What did you find out when you got there?—A. I didn't make any investigation. I told him he had to straighten it up or suffer for it, and he done it and gave me my receipt.

Q. What was the deputy collector's name?—A. George Breedlove is the man.

Q. Is he a well-known person?—A. He is well known in that county.

Q. Who was the person to whom you paid your tax when you took a receipt?

The WITNESS. Do you mean when I went down there to straighten this matter up?

Mr. EVARTS. No; when you paid it first.

Mr. TELLER. When you paid it to the bank.

The WITNESS. I went there to pay it to Mr. Smith; I told you when I went to Brenham——

Q. Won't you answer my question? Who was the man that you paid it to?—A. I paid it to Mr. Thacker at the bank; I have forgotten his given name, but he is cashier of that bank.

Q. And had nothing to do with the tax office?—A. Nothing that I knew of; not a thing.

Q. Was the tax office in the same building at the time you paid this to the cashier?—A. I cannot state to you positively whether it was or not; whether the tax office was in that building or not. It was on the north side of court-house square, and there is a solid block of brick buildings over there, and it has been so long ago I cannot say positively whether it was in that building or not.

Q. Do you know whether the tax office was ever closed during business hours there?—A. Yes, sir; that was frequently the case, that you would go there to pay your tax and Smith would be absent and gone, as I tell you, gone off 17 or 18 miles from the county seat; but he made this arrangement to leave this money there with this bank——

Q. Just answer my question.—A. I have answered it.

Q. You have already told of this; I don't want it over again.—A. But I want to impress it on you.

Q. I want to know from you whether the tax office was closed when it should have been open during the hours of business?—A. Yes, sir; it was.

Q. Was it closed when you went to pay this money to the bank?—A. It was.

Q. Did you try to pay it at the tax office?—A. I did.

Q. And you found it closed?—A. I did, sir.

Q. Very well; that is all straight, then. Had the tax collector told you that you could pay it there, and if the office was closed, you could pay it into the bank?—A. Yes, sir.

Q. That is what he told you?—A. Yes, sir; that was the understanding.

Q. Did you make any communication to the tax collector, Smith?

The WITNESS. About having paid the money there?

Mr. EVARTS. Yes; that you had paid the money to the bank, until this new subject came out?

A. I did.

Q. When did you do that?—A. I cannot state to you positively when I did it, but it was a very short time; it was on my next meeting with him after I paid it there, perhaps a month or two; I don't remember exactly how long it was.

Q. You say you never accused the collector with having received that money as his own, you never accused him; that is, the tax collector himself, to himself, of having had your money?—A. No, sir; I did not.

Q. Who did you ever accuse of having had the money?—A. I just considered that it had been properly appropriated until they came on us for the payment of it again, and I never thought about it any more.

Q. But this you selected as one of the instances of rascality and thieving of the Republicans?—A. Yes, sir; that is one instance.

Q. Very well. Now, is there any stronger instance than this one that you can give us within your own knowledge?—A. Not within my own knowledge.

Q. None whatever?—A. None within my own knowledge. Well, there is one other instance, too, but I cannot say that that comes under my own individual personal knowledge; but it is this case of Leib, who was convicted and is now in the penitentiary for stealing \$20,000. I will state that I do not wish to answer your last question in that way. I will retract that, for I do know of one other instance.

Q. Well, let me ask you another question. Do you know of your own knowledge of any other instance of what you call rascality and thieving on the part of Republican officers?—A. I know of Mr. Leib's case in that county.

Q. What had you to do with that?—A. I didn't have anything to do with it, any more than any other tax-paying citizen would have.

Q. Now, what knowledge had you within your own observation?—A. I didn't have any, only just the current and general report of the trial, conviction, and sentence of this man to the penitentiary—of this man Leib.

Q. When did this Leib case occur?—A. I cannot give the exact date, but it has been about five years ago, I believe, now.

Q. What office did he hold?—A. He was tax collector of that county; treasurer, I mean, of the county.

Q. Was he a German?—A. Yes, sir; he was a German.

Q. An old resident there or a new one?—A. He has been in the county a good long while; I cannot state to you exactly how many years he has been there.

Q. We have the facts in regard to that matter, so that I will not trouble you.—A. All right.

Q. And your knowledge about this is only that of common knowledge?—A. Yes, sir; just about the same as you would have if a case of that kind would occur in your county, I suppose.

Q. We have had it all described, and I will not go through with that. Is there any other instance which you can bring to the notice of this committee of the rascality and thieving of the Republican party since the war?—A. I don't know that I can tell you of any others.

Q. How was this meeting at Graball called, or how did it come about?—A. As I stated before, there was a report brought by a negro direct from the meeting of the negroes out at this church——

Q. Do not repeat what you have said. I want to know who called the meeting.—A. It was called by notifying the citizens of the danger.

Q. What persons gave this notice?—A. I think my father was the first one that the news was brought to, and I do not remember now exactly who was sent around to notify the people, but in a case of that kind——

Q. Was there any publication or placard about it?—A. No, sir; there was no publication, placard, or anything of the kind.

Q. Notice was sent around to different persons to come together?—A. Yes, sir; notifying them to come there.

Q. How many collected?—A. I suppose about twenty-five or thirty of us were there.

Q. Did anybody come except those who were notified?—A. No, sir; none were there but those who were notified.

Q. At what hour of the day was this meeting held?—A. It was held in the morning.

Q. Did the people collected there come armed?—A. No, sir; they didn't come armed; they didn't have a thing in the world. A great many of them came there in their shirt sleeves without any arms at all.

Q. So that they were not alarmed there?—A. No, sir; they were not alarmed there.

Q. Where did you understand the danger and alarm were?—A. About 4 miles from the town, southwest of where we were living. That was where a great many of these negroes lived who were connections of or related to those that they had in jail for killing Boulton.

Q. But did you go down there yourself and inquire or look out to see whether there was danger?—A. I inquired.

Q. I ask you if you went down there?—A. No, sir; I did not go down there.

Q. Where did you inquire?—A. I inquired among the negroes, but I could not get any information.

Q. You inquired among the negroes about you?—A. Yes, sir; of some of the negroes on my place, and some on other farms lying around in our immediate neighborhood there.

Q. Did you learn from them or from your observation of them that there was any danger of an uprising?—A. They were mum on the subject, sir.

Q. They were mum; is that all you can say?—A. That is all I care to say.

Q. What information came to you or to your father within your knowledge brought from this region where there was apprehended or

might be apprehended rising of the blacks?—A. The news was brought that they had held a meeting out at that church——

Q. I ask you by whom it was brought?—A. It was brought by a negro named Jackson.

Q. What is his full name?—A. I cannot give you his full name.

Q. Where did he live?—A. He lived at that time on my father's place.

Q. He lived there?—A. Yes, sir; he lived there.

Q. Had he been down there?—A. He had been there. He came directly from there to my father and told him about the blood-and-thunder speeches these darkeys had had down there.

Q. But did he tell you?—A. He did not tell me; I was not there.

Q. He might have seen you afterwards. But at any rate he did not tell you?—A. No, sir; he did not tell me, and I did not ask him anything about it.

Q. Now, was there any other messenger of communication as to an apprehended difficulty 4 miles off, except this colored man on your father's farm?—A. None other that I know of.

Q. So that the whole movement and excitement concerning the meeting grew out of a report that a negro hand on your father's farm had communicated to him?—A. Yes, sir; that is what it grew out of.

Q. How long after this colored farm hand had told your father was the meeting held?—A. I don't remember whether it was that same day or the next day afterwards. Let me see. It was the next day, on Monday. He brought the news there Sunday and it was the next day, Monday.

Q. It was on Monday that the notices were given out?—A. Yes, sir.

Q. And the meeting was probably the next day?—A. Yes, sir; the meeting was called together Monday.

Q. You sent that dispatch by order of or at least as the organ of that meeting?—A. I did, sir.

Q. What hour in the night did the sheriff and this posse of his reach your neighborhood?—A. I cannot state to you positively; they did not come right into my immediate neighborhood; they stopped up about 3 miles west of where I was and remained there until daylight. I did not see them until next morning.

Q. What occurred then, in the morning?—A. In the morning the citizens down there in the neighborhood where I live moved out to meet this posse from Brenham to see what we should decide on doing, to see if there was any danger.

Q. How do you mean; you moved out in a body?—A. Yes, sir; we were in a body.

Q. Were you armed?—A. Yes, sir; a good many of them were armed, most of them were armed.

Q. Were you organized?—A. Yes; we were organized.

Q. You marched out to meet the sheriff?—A. Yes, sir; we marched out to meet the sheriff and put ourselves under his charge.

Q. Was this towards the place where the insurrection was apprehended?—A. Yes; it was towards the place where the insurrection was supposed to be liable to break out, there on this route where we went in, south of where we went to meet the sheriff.

Q. What I want to get at is this: The point where the rumors or excitement was supposed to exist was about 4 miles from you?—A. Yes, sir.

Q. Was this movement of yours nearer to this point where the insur-

rection was apprehended?—A. Than where I lived? Yes, sir; it was nearer.

Q. Did you go in this body?—A. I did, sir.

Q. Had you any lead or command in it?—A. No, sir; I cannot say that I had.

Q. You marched out and met the sheriff with this posse?—A. Yes, sir.

Q. Then what occurred?—A. After we met there and held a little consultation, I suppose we remained on the grounds perhaps two or three hours; I cannot state positively the exact time, but we held a consultation and agreed to divide up and sort of ride around a little and see if we could find out anything, and if there was not anything going on to return home.

Q. That is your domestic body of troops out there?—A. Yes, sir; and the sheriff, too.

Q. Well, how did you occupy yourselves in that business; to what extent did you patrol or examine into the matter?—A. The sheriff and his posse, as I understood him, were going down right immediately into this section of the country where those negroes lived that were related to the parties that were——

Q. You have already described the place?—A. Yes, sir.

Q. That body was to go there?—A. Yes, sir; it was to go there.

Q. And it started, did it?—A. Yes, sir; they started.

Q. Did you ever see it again?—A. I did not see it any more.

Q. What did your party do?—A. The balance of us returned directly on the same route to our homes that we came there on.

Q. Then you did not make any further examination yourself?—A. No, sir; we did not make any further examination.

Q. And after that did you dismiss all fears of an insurrection?—A. I cannot say that we did. There was a good deal of apprehension.

Q. What did you do or entertain on that subject afterwards?—A. As I stated before there was still a good deal of excitement among the negroes, and white people, too, in regard to this matter of the killing of Boulton and so on.

Q. Did you ever send a dispatch for a sheriff and posse again?—A. No, sir; I did not.

Q. Did you ever get up a meeting again of your own people?—A. I did not.

Q. Did you organize or arm or prepare against insurrection?—A. No, sir.

Q. I mean at that time?—A. I understand you, sir. After we disbanded there we just considered our organization at an end.

Q. Very, well, that was the end of that business?—A. Yes, sir; that was about the end of it.

Q. You have used this expression in your direct examination: "It was thought they killed Boulton," meaning some of these colored people that you have described?—A. Yes, sir.

Q. Who do you mean by saying it was "they;" that "they" killed Boulton?—A. I mean that they were accused of it, sir; they were accused of killing Boulton.

Q. At what time, at what date of this matter, was it that this state of feeling that you have spoken of existed?

The WITNESS. In regard to the insurrection?

Mr. EVARTS. No, not about the insurrection, but when it was that they killed Boulton.

A. Right immediately.

Q. Immediately after he was killed?—A. Right immediately after he was killed. As soon as the examination was over the next morning.

Q. Who were there, about there, in your neighborhood who thought that the colored men killed Boulton?

The WITNESS. Who was in my neighborhood that thought the colored men killed Boulton?

Mr. EVARTS. Yes; I do not care for their names.

The WITNESS. I will state it in this way: Every man in the whole neighborhood believed that they killed Boulton, after the examination out there the next morning, after the evidence was adduced.

Q. Do you mean Republicans and Democrats?—A. I cannot say anything about the Republicans; I did not ask them what they believed about it.

Q. Well, the negroes?—A. A great many of the negroes believe they killed him; I know that, because I heard them say so.

Q. You mean the Democrats think so?—A. And the negroes, too; they expressed themselves, many of them, to me.

Q. But the white Republicans; you do not think that they thought so?—A. We haven't any white Republicans in that end of the county.

Q. So that it is reduced to the white Democrats and some of the colored people, that they think they killed Boulton. Who do you mean by "they;" who were "they" who killed Boulton?—A. These negroes they had in jail.

Q. The eight negroes; the whole eight?—A. Yes, sir.

Q. That was the idea at that time?—A. Yes, sir. Understand me, that I include in that Polk Hill. He was the one who got away and was afterwards arrested by the sheriff.

Q. You mean Polk Hill and those eight that were in the jail?—A. That is the idea that I wish to convey.

Q. Your information was that all of them had been engaged in killing Boulton?—A. Yes, sir; had participated in it or been accessory to it, and they were there with arms in their hands; so it was proved the next morning.

Q. You knew they were all in jail, did you not?—A. Yes, sir.

Q. Did you ever have any other knowledge or ground for thinking that those eight men were engaged in killing Boulton except this rumor?—A. Only the examination there.

Q. Did you see the record or publication of what occurred?

The WITNESS. Of the examination there?

Mr. EVARTS. Yes.

A. No, sir; I did not.

Q. How did you get it?—A. I heard it stated by the justice of the peace who made the examination; I talked to him about it; I did not see his evidence.

Q. Who was he?—A. John A. Vernon, justice of the peace of the Washington precinct there in our county.

Q. When was it that you saw him?—A. I saw him a few days after the killing. I was out there, you understand me, the day they held the examination there, but I did not see him there but a short time. They were in the house having an examination while I was there, and I could not get any information, definite information, about it, and so I went back home, and it was afterwards—

Q. So you did not know much about it except what the common opinion was?—A. No, sir; that was all I knew about it.

Q. You have said that the petitioners Hackworth, Schutze, and Moore were as bad men as could be.

Mr. EUSTIS. That was their reputation, you said. He did not say they were; he said they had that reputation.

The WITNESS. Their general character in the community was what I had reference to.

Q. Now that statement as to the character of these three petitioners you have given on direct examination. You have said that their character was as bad as could be and have said that in regard to all three of them; you have said that?—A. Yes, sir; I have.

Q. And you added a phrase that that was the opinion among all good people, or something like that?—A. Yes, sir.

Q. What is this character of Hackworth's that you thus describe as bad as a man could be?

The WITNESS. What is his character, do you say?

Mr. EVARTS. Yes, that you have described as bad as a man could be.

A. I have reference to his general political reputation.

Q. And nothing else?—A. So far as I am aware I do not know of anything against him, or against his financial integrity or honesty, or anything of that kind. I speak of his politics.

Q. And you did before, when you said it was as bad as could be, you meant his political conduct?—A. Yes, sir.

Q. And nothing else?—A. No, sir; I do not know about his financial conduct.

Q. And it was the political conduct of his which you have described now as being as bad as could be?—A. All the work he has ever done there among the negroes there in the country has been at night. That of itself gives it a bad odor. They never have come out boldly as the other side have done and held their meetings so that the good people of the country could go and see what they had to say; and it was the general impression among the good citizens of that country that they were giving a great deal of bad advice and making inflammatory speeches and doing everything in the world that they could do——

Q. I am talking of Hackworth alone, not of the others.—A. I understand—to array the negroes against the white people of that country and make them support his party for office. That is his general character in the country.

Q. That was all about his political conduct that you refer to, was it?—A. That is it; yes, sir.

Q. Was there any other part of his political conduct that you find was bad in repute, except that?—A. I cannot say that I am posted in regard to any other but that; but I am posted about that.

Q. And that is, as I understand, that he did his political work at night with the blacks, was it?—A. Yes, sir.

Q. What do you mean by its being in the night?—A. I mean they would go around by night and hold these "owl" meetings with the negroes, as we called them there, at night, by sending and getting them down.

Q. Do you mean that that was at midnight?—A. It was always at a late hour, and after the good respectable people of the country had gone to bed.

Q. What time do the good respectable people down there go to bed?—A. They retire pretty early; about 9 or 10 o'clock.

Q. The Democrats all go to bed at 9 or 10 o'clock at night?—A. Yes, sir; the Democrats all go to bed and go to sleep. They lie down and behave themselves.

Q. What hour do the Republicans go to bed down there?—A. I do

not think they ever go to bed in their canvasses any way ; if they have, I have never been aware of it.

Q. You think that is the distinction between the two parties, that one goes to bed at 9 o'clock and the others don't go to bed at all, don't you?—A. You get up the next morning and you will hear the owl meeting somewhere.

Q. You must remember that these answers of yours are taken down and that you are responsible for them.—A. I understand that.

Q. Very well. Were you ever at one of those owl meetings?—I never attended one in my life.

Q. Were you ever at a meeting with Mr. Hackworth, whether it was an owl meeting or any other meeting?—A. I never was.

Q. All then that you have against Mr. Hackworth is substantially this, that he was active on the Republican side in influencing the colored Republicans, and that it was done in what you call the night-time?—A. And making these inflammatory speeches to keep the bad feeling stirred up among the two races.

Q. What speech of his can you recollect?—A. I cannot refer to any particular one, because they would——

Q. No matter what the reason is; you cannot repeat it?—A. No, sir; I cannot repeat it.

Q. Has anyone ever repeated to you a speech that he had heard Mr. Hackworth make?—A. I cannot say that they have, but it was generally reported and I heard about these things.

Q. Give us, if you can, what is in your mind as being his speeches that you objected to?—A. Well, as I tell you, it was reported they were making speeches to the negroes at owl meetings.

Q. I am speaking about Mr. Hackworth.—A. I understand that; I include them all.

Q. If you include Mr. Hackworth I have no objection to it.—A. I heard that he was going around making speeches to the negroes and trying to scare them by telling them that if the Democrats got into power they would do this thing and that thing and force down the price of cotton, and put them back into slavery, and do many things injurious to them, working upon their credulity and ignorance and speaking in a way to array them against the good people of the country.

Q. This was in reference to elections, was it not?—A. It was in reference to his strife for office I say.

Q. Well, it was in reference to elections that were going to take place?—A. Yes, sir.

Q. And these arguments which Mr. Hackworth used, and which you have repeated, were the grounds upon which you think his political action was as bad as could be?—A. Yes, sir.

Q. Now with regard to the other two petitioners, Moore and Schutze. What have you to say about the grounds upon which their bad character rested?—A. They have been guilty of the same thing, sir.

Q. The same thing?—A. Yes, sir.

Q. And your knowledge and opinions on the subject are substantially the same about Schutze and Moore as about Hackworth?—A. Yes, sir.

Q. In regard to those owl meetings that you speak of, did not the Democrats attend them?—A. I do not know of any Democrats ever having attended an owl meeting there in our county.

Q. So far as you know with reference to what you call owl meetings you think they did not attend?—A. No, sir; I do not know of anybody who did. I was not in the habit of going there myself and cannot say who was there.

Q. Did not Judge Kirk attend those owl meetings, as you call them?—
A. If he did I never knew it of my own personal knowledge, for I never attended them myself, and knew nothing about it.

Q. Do you know Hugh Lewis?—A. Yes, sir; I am slightly acquainted with him, and have been for a long time. He has been our county clerk.

Q. He is now county clerk?—A. Yes, sir.

Q. How long has he been county clerk?—A. Oh, a number of years; I do not know how long.

Q. Was he a candidate on the Democratic ticket?—A. No, sir.

Q. Was he on the People's ticket?—A. Yes, sir; on the People's ticket.

Q. I mean was not a Republican?—A. No, sir; he has never claimed to be a Republican.

Q. Do you know whether he was deputy tax collector under Mr. Smith?

The WITNESS. Do you mean Hugh Lewis?

Mr. EVARTS. Yes.

A. No, sir; I do not know that he was.

Q. At the time you complained of Smith was not Hugh Lewis deputy there?—A. If he was, I was not aware of it.

Q. You do not know anything about; you do not know that he was?—A. No, sir; I do not.

Q. Mr. Lewis is a respectable man?—A. Yes, sir; I looked upon him as such, as a respectable and decent man.

Q. And a competent man?—A. Yes, sir; he is competent.

By Mr. EUSTIS:

Q. Have your negroes generally in that neighborhood fire-arms in their possession?—A. Yes, sir.

Q. Nearly all the negroes in your country have fire-arms of their own in their possession?—A. Yes, sir.

TESTIMONY OF HUGH M. LEWIS.

HUGH M. LEWIS, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. Hugh M. Lewis.

Q. How old are you?—A. I am a little over forty years.

Q. Where do you live?—A. At Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I was born there.

Q. Do you hold any office?—A. Yes, sir; I am county clerk of the county.

Q. How long have you held that office?—A. Since April 17, 1876, nearly eleven years.

Q. What are your politics?—A. I am a Democrat.

Q. How long have you been a Democrat?—A. Ever since I have been voting.

Q. How often have you run for that office?—A. We have an election every two years, and I have been elected each election. I was first elected in February, 1875, the first time for two years and six months, and I have been elected three times since.

Q. You have been elected five times in succession?—A. I think so. The terms are two years, and my first term was two years and six months, about.

Q. Before 1884 did not the Republicans carry that county?—A. In national affairs, yes, sir.

Q. Were you elected at the last election?—A. Yes, sir.

Q. At those elections, when you have been a candidate, have you had a Republican opponent?—A. Yes, sir; each time. I ran, I think, the first three races as a Democratic nominee, and the last two I ran on the People's ticket.

Q. Then you must have gotten quite a Republican vote?—A. I always did.

Q. A white and colored vote?—A. Yes, sir; white and colored.

Q. You say you were a candidate on the People's ticket at the last election?—A. Yes, sir.

Q. How was that ticket gotten up?

The WITNESS. At the last election?

Mr. EUSTIS. In 1884 first and then in 1886; state briefly. What I want to get at is whether it was gotten up regardless of politics or color.

A. Yes, sir; the call was made by different people of the county to select people to run for office; that was in 1884.

Q. It was made up regardless of politics?—A. Yes, sir; the meeting and ticket both.

Q. And regardless of color?—A. Yes, sir; we had some colored men on it.

Q. How was it in 1886?—A. We had no mass meeting, but there was a written call by citizens, which was printed in the newspapers. Some eight hundred or one thousand persons signed that call.

Q. And prominent Republicans signed it?—A. Yes, sir.

Q. And colored people?—A. Yes, sir; I should think at least half the call was signed by Republicans; that is my guess at it; you can tell by looking over the list; quite a number of them, at any rate.

Q. Was not that ticket gotten up on account of the dissatisfaction with Republican administration of affairs in 1884 and 1886?—A. Yes, sir; the Republicans themselves became dissatisfied. Of course I do not mean to say all the Republicans in the county were dissatisfied, but quite a number of them were.

Q. You mean prominent Republicans, property holders?—A. Yes, sir.

Q. Men who had an interest in good government?—A. Yes, sir; that is the idea; that is about right.

Q. Do you know Mr. Hackworth?—A. Yes, sir.

Q. How long have you known him?

The WITNESS. Which one do you refer to?

Mr. EUSTIS. I mean the memorialist.

A. Yes, sir; I know the judge.

Q. Did you know him to hold any office?—A. Yes, sir.

Q. What office did he hold?—A. He was justice of the peace of the precinct in which the court-house was located.

Q. When?—A. I think from some time in 1871 to 1875; I am not positive, but that is my recollection about it.

Q. What was the general opinion in the community as to his administration of that office?

The WITNESS. Do you mean how he administered the office himself?

Mr. EUSTIS. Yes.

A. Well, it was very unsatisfactory to the people, sir.

Q. Did he have anything to do with approving contracts?—A. Yes, sir; as presiding justice he was, you might say, the chief justice of the

county, and presided over the police court, you might say; he was presiding officer.

Q. Do you know anything about certain contracts that he approved as presiding justice?—A. I know something that the record shows.

Q. What does that show?

The WITNESS. About roads or bridges?

Mr. EUSTIS. Both.

A. It showed that he made contracts with his father for the erection of bridges. That is, that court appointed a road overseer for the county and he made these contracts, and they were subject to the approval of that court, and as a member of the court he approved the contracts made by the road overseer and others, some of which the citizens considered as very outrageous.

Q. Those contracts were made with his father?—A. Not all of them. Some were with his father and some with a gentleman I understood to be his brother-in-law.

Q. But you say they were considered outrageous contracts?—A. Yes, sir; and the citizens enjoined the payment of money on them.

Q. They were outrageous for what reason?—A. Because of the exorbitant prices paid for the work done.

Q. Do you say they were enjoined from paying them?—A. Not the bridge contracts, but some of the road contracts were.

By Mr. EVARTS:

Q. Were they enjoined by a court?—A. They were enjoined by a suit that the citizens brought in the district court.

By Mr. EUSTIS:

Q. What was the result of the whole matter; was there a settlement made?—A. It was finally compromised at about 30 cents on the dollar, and about that amount was paid. It was a very considerable amount below what the contract price was, at any rate.

Q. Your recollection is it was about 30 cents on the dollar—A. Yes, sir.

By Mr. EVARTS:

Q. Did you say it was 50 per cent.?—A. No, sir; about 30.

Q. Thirty per cent.?—A. Yes, sir; about 30 cents on the dollar; 30 per cent.

By Mr. EUSTIS:

Q. How was it with regard to contracts for bridges; do you know anything about that?—A. Yes, sir; he made some contracts for bridges with his father that were considered outrageous. For instance, they allowed his father \$698, and they drew on that contract \$796 and some cents, somewhere within \$100 above what was allowed; he drew about \$98 more than the contract price? The record shows that the judge drew part of that money and gave an order for part of it.

Q. What else do you know about those contracts? Can you recall any others where there was any ground of complaint against his administration of the office?—A. It is hard to remember them all, to go right along over them. The citizens of the county sued and enjoined the payment of the money, all that were not paid, and they went through the courts, and I think it staid in the court for quite a while, and finally was compromised at 30 cents on the dollar.

Q. Do you know whether Mr. Hackworth was indicted?—A. He was indicted about six times, I think.

Q. For acts done while he was in office?—A. Yes, sir; I think so.

Q. Do you know what they were for?—A. I think, perhaps, one indictment was for malfeasance, and the others for exorbitant charges.

Q. For extortion, was it?—A. Yes, sir; that was it, extortion; I get that fact from the district clerk's office; that is not a record in my office.

Mr. EVARTS. Have you the whole of the record here?

Mr. EUSTIS. I have here authenticated copies of the report of the grand jury, which I offer in evidence.

Mr. EVARTS. I understand they were all quashed.

Mr. JODON. They were all dismissed except one; only one was tried.

Mr. EVARTS. One was tried and he was acquitted, and the rest were dismissed. I will let in part if you will let in the whole. Which record is that, the one that was tried?

The WITNESS. It shows the disposition of all those papers, I think.

Mr. EUSTIS. I will offer these in evidence, the report of the grand jury and the record of the indictments.

The following are the papers put in evidence by Mr. Eustis:

A.

FEBRUARY 23, 1874.

IN DISTRICT COURT, *Washington County, Texas*:

The grand jury this day came into open court, and, through T. G. Davidson, district attorney, presented the following report, which, after being read by said district attorney by request of said grand jury, it is ordered that said report be entered and spread upon the minutes of this court in accordance with the request of the said grand jury, and is as follows, to wit:

THE STATE OF TEXAS, *Washington County*:

The undersigned, grand jurors for the present term of the district court of said county, respectfully represent that they have examined as fully as they could the administration of the county's finances during the past twelve months, and they present the following facts as showing a culpable mismanagement and misappropriation of county money:

On page 184 of the order-book of the county court, it appears that \$250 was ordered paid to W. W. Hackworth for building a bridge across Kountz Creek. The order recites that the bridge was built in accordance with contract, but the contract guarantees that the bridge shall last five years, when in fact it did not last five months.

On page 107 is an order to pay W. W. Hackworth \$1,400 for building three bridges at and near the town of Independence—one across Hersten branch, one across Jordan branch, and one across the branch between Independence and John Seward's place. The two first named are small spring runs, and the work done by Hackworth over them would have been reasonably well paid for with \$100. The only one of the three branches named the bridging of which could have involved much expense is the branch near John Seward's place, and that branch Mr. Contractor Hackworth did not bridge at all. Why Mr. Hackworth should have asked for \$1,400 for the work done on the two Independence Spring branches we are unable to determine, except it was upon the principle that if a man wants anything and don't ask for it he won't get it. The amount paid is excessive, and should be recovered back by suit if necessary, and so should the money paid for the Kountz Creek bridge.

On page 180 it appears that \$20 a month was paid for the board of Carrie Hill, a pauper. In some other cases it seems that paupers were boarded as low as \$8 a month. Why Carrie Hill should have been supported by the county in better style, and more money spent for her than other paupers, the records of the honorable county court fail to explain.

On page 183 is an order to pay J. G. Tracy \$52 for stationery. The only stationery, in fact, that we can learn of his having been a dealer in, is the check-back paper upon which election tickets have sometimes been printed.

On pages 194, 195, and 196 we find orders for blanks, ranging in sums from \$5 to \$120, furnished to justices of the peace and to the district clerk. The blanks, as we understand it, are a mere convenience to the officers in issuing process that they receive pay for. We question the propriety of an officer charging parties for process issued and charging the county for the blanks they issued on.

On pages 198 and 199 are orders to pay money to Justice Hackworth and to Justice Broesche for services in examining account of Ex-Treasurer Klaeden; the service in

question was the performance of an official duty, and the jury can find no warrant in law for making it a special charge against the county.

On page 192, \$100 is ordered paid to Thomas Day as janitor of the court-house, the office of court-house janitor, we submit, is not known to the law. It is a creation of the sheriff for his own private convenience, and should be supported out of his private purse, and not out of the county funds.

On page 194 we find a bill of \$106.40, ordered paid to M. A. Healy for certain items of merchandise, amongst which we find buckets charged at \$2 a piece—we find no buckets in the jail which would not have been well paid for at 40 cents each.

On page 250 is an order to pay W. W. Hackworth \$1,000 for building a bridge across New Year's Creek on the Lower Independence road. Upon investigation, we are satisfied that the price paid is at least \$700 in excess of a reasonable price for such a bridge.

On page 247, \$1,050 is ordered paid for care, attention, and feeding prisoners in jail from November 20, 1873, to January 27, 1874. We have not examined the bill of fare furnished to the prisoners, but it occurs to us that, considering the number of prisoners confined there, and the character of the supplies usually provided for prisoners, \$525 a month must be an exorbitant allowance.

We submit the foregoing as some of the items of recklessness and profligacy in the expenditure of moneys collected from the people for public uses.

The remedies for such wrongs is, it seems, in our own hands; but we suggest that proper steps be taken for the vigorous prosecution of the parties, and the recovery back by the county of the moneys thus illegally expended.

Thanking the honorable court for its constant courtesy and the district attorney for his attention and assistance in the discharge of our duties, and asking that this report may be spread upon the minutes of this court of record and to be printed in the Brenham Banner,

We are, very respectfully,

JAMES N. MANN,
Foreman.

J. N. COX.
THOS. MULLINS.
ROMEO CALVIN.
THOMAS E. CLAY.
THOMAS HOWARD.
F. G. WHISENANT.
NATHAN DEVER.

EDMOND ARNOLD.
A. H. WOOD.
J. M. PARKER.
HENRY KORTHAUER.
DAVID AYRES.
C. WITTEBORG.
AARON GARRETT.

THE STATE OF TEXAS, *County of Washington:*

I, C. F. Herbst, clerk of the district court of Washington County, Texas, do hereby certify that the foregoing is a true and correct copy of the original report of the grand jury at February term, 1874, now on record in said court, in Book L, pages 68, 69.

Given under my hand and the seal of said court, at office in Brenham, this the 3d day of February, A. D. 1874.

[SEAL.]

C. F. HERBST,
Clerk.

FEBRUARY 23, 1874.

THE STATE OF TEXAS, *County of Washington:*

Be it remembered and it is hereby certified that on this the 2d day of February, A. D. 1874, there was begun and holden a district court within and for the county of Washington, at the court-house thereof, in the city of Brenham, it being the regular term thereof.

Present: Hon. J. B. McFarland, judge; Lyddleton Smith, sheriff; Richard A. Harvin, clerk.

* * * * *

FEBRUARY 23, 1874.

The grand jury this day came into open court, and there being a quorum present, presented the following indictments, to wit:

1929. The State of Texas *vs.* S. A. Hackworth *et al.* Indictment, alfeasance in office.

1930. The State of Texas *vs.* Stephen A. Hackworth. Indictment, extortion.

1931. The State of Texas *vs.* Stephen A. Hackworth. Indictment, extortion.

1932. The State of Texas *vs.* Stephen A. Hackworth. Indictment, extortion.

1934. The State of Texas *vs.* Stephen A. Hackworth. Indictment, malfeasance in office

1945. The State of Texas *vs.* Stephen A. Hackworth. Indictment, extortion.
 1929. The State of Texas *vs.* S. A. Hackworth *et al.* Verdict of not guilty.
 1930. The State of Texas *vs.* Stephen A. Hackworth. Nolle prosequi entered by district attorney.

Same order in Nos. 1931, 1932, 1934, 1945.

The above and foregoing is a correct list of the indictments found and the manner of disposition of cases from the records of said court.

Witness my hand and seal of office this 3d February, 1887.

[SEAL.]

C. F. HERBST,
District Clerk, Washington County, Texas.

B.

THE STATE OF TEXAS, *County of Washington:*

Be it remembered that on this the 5th day of February, A. D. 1872, there was begun and holden a district court in and for the county of Washington, at the court-house thereof, in the town of Brenham, it being the regular term of said court.

Present: J. B. McFarland, judge; Lyddleton Smith, sheriff; J. J. Stockbridge, clerk.

Names of grand jury.—M. O'Brien, Sam. Eldridge, D. Harris, Abram Meyers, Richard Green, Randle Atkinson, Jerry Hannah, Henry Dawson, Richard Foster, J. V. Buster, J. D. Hardin, S. M. Williams, G. W. Sargeant, B. F. Tally, Andrew Robinson, B. S. Harrison, E. T. Wallace, John Ewing, and W. P. Dever.

MONDAY, *February 26, 1872.*

The grand jury, there being a quorum of that body present, comes into open court and presents the following indictments to, wit:

1564. The State of Texas *v.* Stephen A. Hackworth. Mifseasance in office.

1566. The State of Texas *v.* Stephen A. Hackworth. Malfeasance in office.

1568. The State of Texas *v.* Stephen A. Hackworth. Mifseasance in office.

THE STATE OF TEXAS, *County of Washington:*

Be it remembered, and it is hereby certified, that on the 3d day of June, A. D. 1872, there was begun and holden a district court for the county of Washington, at the court-house thereof in the town of Brenham, it being the regular term of said court.

Present, Hon. I. B. McFarland, judge; Lyddleton Smith, sheriff; J. J. Stockbridge, clerk.

1564. The State of Texas *v.* Stephen A. Hackworth. Indictment for mifseasance in office.

This day came the State of Texas, by Thomas G. Davidson, esq., district attorney, and also came the defendants in their own proper persons and by attorney, and thereupon came on to be heard the defendant's motion to quash the indictment herein, and the argument of counsel thereon being heard and the matters and things therein being seen and fully understood by the court, it is ordered by the court that said motion be sustained and that said indictment be and the same is hereby quashed, and that said defendants go hence without day discharged.

1566. The State of Texas *v.* Stephen A. Hackworth. Indictment for malfeasance in office.

(Same order as in 1564.)

1568. The State of Texas *v.* Stephen A. Hackworth. Indictment for mifseasance in office.

(Same order as in 1564.)

THE STATE OF TEXAS, *County of Washington:*

I, C. F. Herbst, clerk of the district court of Washington County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record in cases No. 1564, 1566, and 1568, The State of Texas *v.* Stephen A. Hackworth, now on file in said court.

Given under my hand, and the seal of said court, at office in Brenham, this the 3d day of February, A. D. 1887.

[SEAL]

C. F. HERBST, *Clerk.*

By Mr. EUSTIS:

Q. Have you your records with you showing about these contracts?—

A. I have some of them with me. I have here the minutes of the county commissioners' court or police court from January, 1871, to April 18, 1876. Do you want to see the orders complained of in that grand jury report?

Mr. EUSTIS. Yes.

The WITNESS. Here is one of them. [Producing a paper.]

Mr. EUSTIS. Read it please.

Mr. EVARTS. What is the date of it?

The WITNESS. This is a contract of December, 1871.

Mr. EVARTS. Haven't you something later than that? It is rather remote from our transaction of 1886.

Mr. EUSTIS. It is a consecutive history of the administration of Mr. Hackworth. It will not take long to read it.

Mr. EVARTS. Are we to try these contracts? Do they prove themselves in any way to be improper, or what is it?

Mr. EUSTIS. It is in connection with the grand jury report.

Mr. EVARTS. Which you have already put into the record?

Mr. EUSTIS. Yes.

Mr. EVARTS. It was the same he was dismissed and acquitted on.

The WITNESS. No, sir; I do not understand it so.

By Mr. EUSTIS:

Q. I want you to state from this record what took place, as you understand, under Mr. Hackworth's administration of his office, that goes to the effect of impeaching his standing as an official.—A. By the drawing of \$100 worth of scrip more than the court allowed is one thing to show it. The making of these road contracts for \$100 a mile when those roads were repaired in less than a month, and some 10 or 12 miles of it; that would go to show it. That was the reason the citizens enjoined the payment of it.

Mr. EVARTS. These documents we can dispose of. We can see what they are, and it comes to an end. There does not seem to be a very important element of the state of feeling in 1876 about these particular transactions that we are looking into.

Mr. EUSTIS. These petitioners here claim that they were banished from this community. They claim they were good citizens and were banished simply because they were Republicans. We show that their official conduct while in office was calculated to create a strong prejudice against them.

Mr. EVARTS. I am willing in general to go into their character, but I do not propose to go into a trial of these contracts made in 1871 if I can help it. These other papers are in, although very remote, but still you can tell what happened. We cannot try these contracts. What has it to do with being banished in 1886? They lived there twelve years afterwards.

Mr. EUSTIS. We deny that there was any banishment. We want to show that these people, on account of their own conduct, were so odious that they themselves did not think they ought to live in that community.

Mr. EVARTS. But they did not drive them off in 1871 or 1874.

Mr. EUSTIS. They never drove them off at all, as we claim. I do not think it is necessary to go into the matter except generally.

By Mr. EUSTIS:

Q. What do you say about these contracts at a hundred dollars a mile?—A. The road overseer made the contracts, and the commission-

ers' court, which was presided over by Mr. Hackworth, approved them. They were paid \$100 a mile for repairing roads, and some of them were for 10 or 12 miles of road.

Mr. EVARTS: Just take out one and show us.

Q. What is the objection to that contract you speak of?—A. That the price was exorbitant. The work was done within about a month.

Q. For how much less could it have been done?—A. They compromised at 30 cents on the dollar finally, and I suppose it could have been done for that amount or about that.

Q. With whom was that contract made, do you know?—A. With different parties, a dozen or more of them. They were all enjoined in one suit.

Q. What other official act do you know of or remember?—A. I do not remember.

Q. You have mentioned the overdrawing of money on one contract?—A. Yes, sir.

Q. And you have mentioned this \$100-a-mile business?—A. Yes, sir.

Q. What others do you remember?—A. There are other things complained of by the grand jury. You are inquiring about Mr. Hackworth only?

Q. Only about Mr. Hackworth?—A. Not about other Republicans.

Q. Was his general administration of that office considered to be against the people of that county?—A. Yes, sir; it was.

Q. And they considered that he was acting in the interests of whom?—A. Of himself, his family, and political friends.

Q. And not in the interest of the people at large?—A. No, sir.

Q. Do you know anything about Mr. Hackworth's being driven out of the country?—A. No, sir, I do not; if he was driven out I do not know it.

Q. Do you believe he was driven out?—A. No, sir; I do not. I do not believe it was necessary for him to leave at all unless he wanted to.

Q. Had he not incurred the odium of honest people in that county interested in good government, the property-owners?—A. Yes, sir; quite a number of them.

Q. What has been his business?

The WITNESS. Since he has been out of office?

Mr. EUSTIS. Yes; for the last few years.

A. He has advertised as a real-estate agent.

Q. Has he had any business?—A. Very little in the county court there that I know of. I do not remember a single transaction, although there may possibly have been some. I think he is principally engaged in colonizing the lower part of the State down there. I do not know a great deal about his private business.

Q. What do you mean by colonizing; do you mean colonizing negroes?—A. I do not know except from hearsay; but it is understood that he was colonizing the lower country down there with freedmen from that section of the country.

Q. What do you know about the defalcations of Republican officials there since you have been clerk of the court?—A. Well, several of them have defaulted.

Q. Who are they?—A. Harvin for one, and Leib for another.

Q. Who else?—A. I think Dr. Smith, the former tax collector, compromised with the county for a claim that he was short on.

Q. Do you know whether these Republicans ran Harvin for sheriff after he was known to be a defaulter?—A. Yes, sir; he ran for sheriff in 1884, I think it was, on the Republican ticket.

Q. After it was known that he was a defaulter to the county?—A. Yes, sir.

Q. What is the law of Texas with regard to the filing of stubs with regard to the county taxes?—A. The law requires one report to be made to the comptroller, one report to the county clerk, and the stubs are required to be filed in the county clerk's office. I think they are made out in triplicate now, and that one set may be kept for the tax collector.

Q. Did the Republican officials comply with that law?—A. Not always.

Q. Did they fail to comply with it at any time?—A. Yes, sir; Mr. Harvin did.

Q. How long was he in office?—A. I don't remember, but I think he was there from 1876 up to the time he was indicted; I don't remember how long, but I think two or three terms.

Q. Was that intended as a check upon the collector?—A. Yes, sir.

Q. And without that check he could appropriate that money to his own use?—A. Yes, sir; he would be found out eventually, I suppose, but that was the object of it.

Mr. EVARTS. How does this bear on the investigation?

Q. Was there a fire in the tax collector's office when Mr. Harvin was sheriff and tax collector?—A. Yes, sir.

Q. The sheriff was tax collector also at that time?—A. No, sir; I do not think the sheriff was tax collector at that time. I think Mr. Harvin was tax collector, and Hodgison was the sheriff.

Q. Was there a fire in the tax collector's office?—A. Yes, sir.

Q. Were those stubs found in the debris of the fire?—A. Yes, sir; I think so; I am not positive as to that.

Q. Was that while the suit was pending against him as a defaulter?—A. Yes, sir; I think so.

By Mr. EVARTS:

Q. How long have you filled your present office?—A. I went in on the 18th of April, 1876.

Q. And have continued so ever since?—A. Yes, sir.

Q. With the general acceptance of the community there, have you not?—A. I presume so. They re-elect me occasionally.

Q. And the Republicans vote for you?—A. Quite a number of them.

Q. If they had not you would not have been elected, would you?—A. No, sir; I would not have been elected on the straight Democratic vote.

Q. So that you are acceptable to them out there?—A. To some of them, sir.

Q. So that they do not defeat you; they accept your nominations and support you?—A. No, sir; they nominate a man against me every time they make nominations.

Q. Yes, the voters carry the election in your favor by the aid of the Republican vote?—A. Yes, sir; the Republican vote coupled with the votes of Democrats.

Q. But without those Republican votes you would be beaten every time?—A. Yes, sir; I reckon so, if there was only one man running against me.

Q. Before you had this office, what relation had you to public affairs there?

The WITNESS. Do you mean right immediately before I came into this office?

Mr. EVARTS. Yes.

A. I was clerk in the office of the secretary of state at Austin, Tex.

Q. But in this region what had you been before?—A. What you want to arrive at is what offices I have held in Washington County? I was first deputy collector under Mr. Harris.

Q. What period was that?—A. That was about 1867. Later I was deputy tax collector for R. J. Reynolds who was a Republican. Harris was a Democrat. Later still I was a deputy for Mr. Smith who was a Republican and who was sheriff and tax collector at the time.

Q. And that was the last before you became county clerk?—A. Yes, sir; that is my recollection.

Q. And you served in this position of deputy for Mr. Smith when he was both sheriff and collector of taxes?—A. No, sir.

Q. What part of his term did you serve?—A. I don't recollect; but I served for him part of the time.

Q. Do you mean that Mr. Smith continued in office after you took your present office?—A. No, sir; but I moved to the country before Mr. Smith's term expired.

Q. You mean that you gave up the office of deputy?—A. Yes, sir; before Mr. Smith's term was out.

Q. How long before?—A. I cannot remember about that; it must have been a year or so.

Q. Some accusation has been made against Mr. Smith as a Republican involved in rascalities and thieving. Do you know anything about that?—A. My recollection is that he compromised what he owed the county for about a thousand dollars after he went out.

Q. You mean for the balance of his account against it?—A. Yes, sir.

Q. Now, as to his stealing and rascality, what do you know about that?—A. I do not know much of it.

Q. If it was in the tax collector's office you would know?—A. He was sheriff and had other dealings besides being tax collector.

Q. I confine this to the tax collector's office.—A. I think it was kept pretty straight while I was in there.

Q. Were you accused of anything?—A. Not that I know of.

Q. Were you accused by Smith of any irregularities?—A. Not that I know of.

Q. Were there any irregularities in the tax office while you were under Smith?—A. If there were I do not know it, neither on my part or his.

Q. Would you join in naming Smith as one of the rascally and thieving Republicans?—A. He did things after I was out of office, I think—I was told so, I understand so—that were not satisfactory.

Q. What were they and when were they done?—A. He defaulted to the county and compromised for a thousand dollars.

Q. How do you mean that he defaulted to it?—A. He was short in paying up his account for money that he owed the county.

Q. Is that all that you know, that in stating the account it was claimed that he was a debtor?—A. Yes, sir; that he was short and compromised the matter.

Q. And the county compromised it just as much as he, on a thousand dollars?—A. About a thousand is my recollection of it.

Q. There was a dispute between them as to what the true account was?—A. Yes, sir.

Q. And it was settled at a thousand dollars and he paid it, did he not?—A. I think so; that has been my understanding.

Q. On the face of that transaction does that show that he was rascally and thieving, that there was a difference of opinion about his accounts, and they settled it?—A. Not necessarily, the way you put it, sir.

Q. Was that in the sheriff's department or the tax department?—A. In the tax department, I think.

Q. Did it happen during the time you were there?—A. No, sir.

Mr. JODON. Mr. Hackworth entered his protest against all those road contracts, and it is here entered in this book.

Mr. EVARTS. I want to know how much is insisted upon about these contracts as being an imputation against Mr. Hackworth. I have suggested that the examination of all these contracts is too remote as bearing on the justification for expelling him from the county in 1886.

Colonel GIDDINGS. We show this to show the basis of the feeling of our people for years.

Mr. EVARTS. I want to know, so as to show there is no foundation for any charge against Mr. Hackworth about these contracts. If they are to be insisted upon I must go somewhat into the matter, that is all.

Colonel GIDDINGS. There is enough without that.

Q. Now, Mr. Lewis, you say there were indictments, as I understand you, for some road contracts, or were the indictments separate from the road contracts?—A. You did not understand me correctly. I said there was an indictment against Mr. Hackworth in the district court. I do not know that except from the record.

Q. Were you clerk at that time?—A. No, sir; Mr. Harvin was clerk at that time.

Q. You, personally or officially, had nothing to do with the road or bridge contracts at the period of time you have spoken about?—A. No, sir.

Q. What are the latest of the complaints in regard to Mr. Hackworth in respect to his position as presiding judge in that police court, in regard to the contracts for bridges or roads; what is the latest date of any imputation against him in regard to contracts for roads and bridges that you **know** about?—A. I think those contracts were made about 1871.

Q. Were any complained of later than that?—A. I do not think that law was in existence very long.

Q. I am asking for the fact as to whether any imputations were raised against him in regard to contracts for roads or bridges later than 1871.—A. In 1871 or 1872; I do not remember anything later.

Q. As far as you know of that, nobody found fault with him in regard to the contracts for roads or bridges at any time later than 1872.—A. I do not remember any.

Q. His position was, as I understand, that *ex officio* he approved of these contracts?—A. The court approved them and he was the presiding officer of that court. The court was composed of several justices of the peace of the county, called the police court, and he, being the justice who lived at the county seat, was the presiding officer of the court.

Q. And the court approved of those contracts?—A. Yes, sir.

Q. It was required by law that they should?—A. I suppose it was discretionary with them.

Q. I do not mean they were obliged to approve them if they were wrong, but that it was the duty of the office to pass on those contracts?—A. I think so.

Q. And to either approve or disapprove them?—A. Yes, sir.

Q. How many composed that court?—A. I think there were four justices. I can tell by that record if you will allow me to look at it.

Q. And then Mr. Hackworth would be one of four?—A. Yes, sir; or one of five, I am not positive in regard to that.

Q. Now, these obnoxious contracts that Mr. Hackworth is inculpated for the court's approving were with contractors of what political party, Democrats or Republicans?—A. Some of both, sir, I think.

Q. There was no charge about that?—A. No, sir.

Q. There were as many Democrats as Republicans among the contractors?—A. I expect quite as many.

Q. One of the charges was that the contracts were exorbitant?—A. Yes, sir.

Q. And that Mr. Hackworth was blamed for his court's having approved them?—A. Yes, sir.

Q. That was all?—A. Yes, sir.

Q. Mr. Hackworth had nothing to do with the contracts except that official duty?—A. I do not know, sir. He seems to have had something to do with that bridge contract.

Q. We will talk about the roads now. He had nothing to do with them?—A. Not that I know of, except as a member of the court to approve or reject them.

Q. But he was not a contractor?—A. No, sir; I do not think he was.

Q. Was any friend or relative of his a contractor?—A. Yes, sir; I think so.

Q. Who was he?—A. I could tell better by going over the book. Mr. Ham Ransom I was told was a contractor, and he was his brother-in-law.

Q. Anybody else?—A. I could not tell without looking at the books.

Mr. EVARTS. I wish to put in evidence an extract from the minutes of the commissioners' court, or police court, of Washington County, as contained in this volume, which covers a period from 1871 to 1876.

The extract referred to by Mr. Evarts is as follows:

COUNTY COURT, *January regular term, 1872.*

This day came on to be heard the resolution offered by S. A. Hackworth, esq., presiding judge of this court, to the following effect:

That in view of the fact that grave charges are made by the people at large of fraud and mismanagement in the letting of contracts for the working of the public roads of Washington County, and that complaints are in a like manner made of the manner of working the said roads, that a committee of citizens be appointed in each precinct to examine and report upon the condition of the roads in their precincts, and also the probable cost of putting said roads in repair and keeping them so during the year, and the amount of labor with the character of the same due by contractors, and also to examine and report upon public bridges in the same manner.

And further, that pending said investigation and report no more contracts be approved by this court, and the payment of all scrip issued to contractors heretofore be stopped, and the overseer of roads be suspended from office during said investigation.

And further, that should any frauds be discovered immediate action should be taken by the court to prosecute all parties concerned therein.

After the reading of said resolutions they were rejected by a majority of the court present.

Now comes S. A. Hackworth, esq., presiding judge, and enters his solemn protest against the action of the court in rejecting the aforesaid resolutions, and assigns the following reasons therefor:

(1) Because he is fully aware that the charges and complaints are made by the citizens of the county, as recited in said resolutions.

(2) That these charges are made by the tax-payers, and deserve the notice of the court, as well as its prompt and remedial action, because this court is responsible to the people for the misconduct of officers under its control, and the mismanagement and waste of county funds.

(3) Because if the charges and complaints made are true then duty demands prompt action of the court in the manner indicated in said resolutions. If they be groundless and false then the accused should be set right before the people.

(4) Because the action of this court in refusing to enter into the investigation asked for will be regarded with suspicion by good people throughout the county, irrespective of party.

(5) Because the total road and bridge tax of this county will not exceed \$16,000, and when we consider that upwards of \$18,000 in road and bridge scrip has been already issued to contractors, and contracts amounting to twelve or more thousand dollars yet to be paid, we well know that the county will be involved in hopeless bankruptcy.

S. A. HACKWORTH,
P. J. P. W. C.

Mr. EUSTIS. What is the date of that?

Mr. EVARTS. It is under the January term in 1872. I tried to find the date of the day's session, but I do not see that. But you notice as a single accidental error up there at the top of this page where it begins that it is 1872, but the 72 is erased. It is a mere accident; so that the proper date is 1872.

By Mr. EVARTS:

Q. Now, Mr. Hackworth was presiding judge at this time, as you have stated?—A. Yes, sir.

Q. When did his term of office end?—A. I do not remember as to that, but I can probably tell by the book.

Q. No matter; it is not important.—A. I think he held the office right straight along until 1876; that is my recollection about it. When the term began and ended I do not remember.

Q. Who was elected in 1876?—A. We had a change in the constitution, and Judge McFarland was elected county judge, and we had county commissioners elected who performed these duties.

Q. Was Mr. Hackworth or not in office in 1876?—A. Up to April 18, 1876, he was in office.

Q. He continued in office and was re-elected as many times as were necessary?—A. Yes, sir. I think the terms were four years, but I am not certain about that.

Q. What was the title of the office afterwards?—A. It was county judge. We then had a county judge and a county commissioner's court.

Q. Who was county judge from 1876 to 1880?—A. Judge McFarland was part of the time, and he resigned, and after him we had Judge Williams, I think.

Q. Were they Democrats or Republicans?—A. Republicans.

Q. Then was Mr. Hackworth elected justice of the peace in 1880?—A. I think so. He has been elected justice of the peace, but I do not remember the terms. He has been justice of the peace since that change in the constitution.

Q. And continued until what time?—A. I don't remember about that; I think one term, but I am not certain about it.

Q. He continued during the term, which was of two years?—A. Yes, sir.

Q. Now, you say that the administration, while Mr. Hackworth was justice of the peace was very unsatisfactory to the people, or something of that kind?—A. Yes, sir.

Q. And that it was about the roadmasters or the contracts, and the approval by the court of the contracts, and so forth?—A. That is while he was justice of the peace and *ex officio* justice of the police court. It is not under this latter allegation that you inquire of, for he had no connection with the roads then.

Q. I understand; I am not changing it at all. Now, was Mr. Hackworth found in fault otherwise than in his capacity of presiding judge in the county court or police court?—A. Those indictments would indicate that; I do not know.

Q. Except the indictments that are produced here, was there any fault found with Mr. Hackworth except in his position of presiding judge of the police court, so far as that court has jurisdiction of road and bridge contracts?—A. Nothing else occurs to me now?

Q. Then these other indictments will speak for themselves?—A. Yes, sir; I suppose so.

Q. All those indictments were disposed of, as I understand—and I want to have it right—by one being tried, in which Mr. Hackworth was acquitted by the jury.—A. There was a verdict of not guilty, I think, sir.

Q. And the others were *nolle prossed* by the district attorney or dismissed by the court?—A. Yes, sir; they were *nolle prossed* by the district attorney.

Q. And that was the end of the indictments?—A. Yes, sir.

Q. You understand that you have testified that on some bridge contract \$100 was drawn from the treasury more than the contract called for?—A. No, sir; I understand that I have testified that the record was that not quite a hundred dollars was drawn.

Q. More than the contract called for?—A. Yes, sir; more than the contract called for.

Q. What had Mr. Hackworth to do with that?—A. He drew part of the money; his father was the contractor. He drew part of the money, and his father drew part, and he gave an order for a part.

Q. Who drew part?—A. Mr. Hackworth.

Q. He personally drew it?—A. Yes, sir; that is what the minutes show.

Q. Mr. Hackworth was not a contractor?—A. No, sir; his father was a contractor.

Q. How did Mr. Hackworth draw money on a contract more than what was right, or how could any one draw more than was right?—A. You must ask the clerk or Mr. Hackworth here why he drew it; I do not know.

Q. Was it not for extra work beyond the contract?—A. There is nothing in the contract beyond that.

Q. The contract does not show extra work, of course.—A. Let me refer you to the paper and you will understand it better.

Mr. EVARTS. I would like to see what it is, because that looks as though somebody had gotten some money that was in the nature of an excessive charge or mistake of some kind.

The WITNESS. I will show it to you here in the book itself.

Mr. EVARTS. This is the entry I find in the book:

COUNTY COURT, *July term*, 1873.

FRIDAY MORNING, *August 1*, 1873.

Ordered that the sum of six hundred and ninety-eight dollars and 66 cents (\$698.66) be paid W. W. Hackworth for balance due on building bridge at Robinson Crossing on the Yegua, as per account filed.

Issued May 7, '74, ~~§~~ 468 & 469 to self, \$20.00.

Iss. to self \$20.00, ~~§~~ 472, May 4, '74.

May 26th, to self, 25.00, No. 495.

No. 483, issd. to self \$12.50, Aug. 11th, 1873.

\$200.00, issd. Aug. 18, '73, to self. Nos. from 1501 to 1115 inclu.

1538, issd. to order 5.00, Sept. 5th, '73.

2206, Dec. 9th, issd. \$16.00.

Issd. \$70.00, Jan'y 30, '74, to Lockett, No. 200, pr. verbal order.

Iss'd \$25.00 to Simon Feb'y 3, '74.

Iss'd \$6.25 to self Feb'y 3, '74.

Iss'd \$3.75 to self Feb'y 3, '74.

Iss'd \$34.40 to H. L. Brown M'ch 4, '74, 294 to 299.

No. 464, to S. A. Hackworth, May 4, '74, \$30.00.

Iss'd 25.00 to Riggs H., June 4, '74, No. 518.

Iss'd \$134.55, No. 539.

No. 540, \$52.21.

Iss'd to Riggs Hackworth \$9.00, June 13, '74, No. 524.

June 10, '74, iss'd to Riggs \$10.00, No. 521.

Iss'd 23.00 to H. E. Williams, per order of S. A. Hackworth, May 16, '74, No. 479.

Iss'd 25.00 to W. W. Hackworth, May 16, '74, No. 480.

Iss'd 20.00 to W. W. Hackworth, May 16, '74, No. 481.

Iss'd 25.00 to W. W. Hackworth May 19, '74, No. 486.

Iss'd \$5.00 to W. W. Hackworth May 22, '74, No. 488.

By Mr. EVARTS:

Q. The account filed shows what was due?—A. Yes, sir.

Q. So that was regular, if the account was regular?—A. Yes, sir.

Q. Now what was the fault of the account?—A. None that I know of; I don't know anything about it.

Q. How did you intimate that nearly a hundred dollars over had been drawn?—A. By the contract. This is the clerk's memorandum of the warrants issued, and the footing up is \$98 more than the amount named in the order.

Q. The whole thing is entered here?—A. Yes, sir.

Q. And you have added this up?—A. Yes, sir; and I think I added it correctly.

Q. But you have added it up?—A. Yes, sir.

Q. And you think there is a discrepancy?—A. I know it, sir; I do not think it.

Q. But that is all that you know that adding up these payments it makes nearly a hundred dollars more than the amount named in this warrant?—A. Yes, sir.

Q. And is that all you know about that matter?—A. Yes, sir.

Q. Was this ever made a subject of complaint that you know of?—A. No, sir; not specially that I know of.

Q. The public were not inflamed about this?—A. No, sir.

Q. Nobody ever charged any fraud about it?—A. I don't remember that they did.

Q. When did you first find this out by adding this up?—A. Since the investigation began.

Q. Since you came here?—A. Yes, sir.

Q. So this was not one of the grounds?—A. It may have been that other people went over it.

Q. But so far as you know this discrepancy did not form a subject or foundation of the feeling against Mr. Hackworth down there?—A. I do not know that that particular transaction did.

Q. It didn't with you, at any rate, for you did not know about it until you got here?—A. No, sir.

Q. Do you know of any other instance where there was a discrepancy between the orders and the payment?—A. No, sir; I haven't looked over them.

Q. What attracted your attention to this, and led to your investigation of it?—A. A memorandum on the fly-leaf of the book—that attracted my attention to it.

Q. That is all that led your attention to it?—A. Yes, sir; all that I know of.

Q. This indication on the fly-leaf that Mr. Hackworth's name, or something interesting to you, was on a certain page?—A. Yes, sir; and it rather indicated there was something wrong about it—to me.

Q. It speaks for itself what it was. Since you have said it indicates something wrong I will read what it says. It says here on the fly-leaf

of this book, "W. W. Hackworth, page 218;" is that the one?—A. Yes, sir.

Q. That is all there is here on the subject?—A. There is a memorandum of the different amounts of scrip issued.

Q. What is the date of the proceedings, on behalf of citizens, I suppose, in the courts by which there was an injunction granted?—A. I would have to refer to some memoranda to give that to you.

Q. But as near as you can tell?—A. The petition for injunction shows that it was filed March 12, 1872.

Q. What had it relation to, bridges and roads?—A. Roads, principally, I think; I do not think it refers to the bridges.

Q. So it was transactions about the time of the date of the minutes that I have read from the account?—A. Well, you made that, I believe, in January, 1872, but this is in March, 1872.

Q. So that followed after Mr. Hackworth's effort before the court to have these contracts refused, and the court had rejected his resolution?—A. Yes, sir; both followed the contracts, I think.

Q. Of course. Now, was there any other judicial proceeding taken to correct or thwart the movements of Hackworth?—A. In this road matter?

Q. Have you got that paper there?—A. This is the injunction suit; yes, sir.

Q. Let me look at that, so that I can find out what it is about. (The witness handed the paper in question to Mr. Evarts.) Now the defendants named here in this paper, as I understand them, are Stockbridge, the clerk of the district court, Smith, the sheriff of said county and ex-officio collector of taxes, and the defendant, Kladen, is county treasurer of said county. Those are the only defendants I suppose. Those officers I have named I suppose were all Republicans—Smith, Stockbridge, and Kladen?—A. Yes, sir.

Q. All white men?—A. Yes, sir.

Q. And old residents down there?—A. Kladen is a German, but raised in the county; I do not know as to that.

Q. Do you know what the result of this suit was; was there ever any judgment given in this suit?—A. The transcript of the record will show about the judgment (handing a copy of the paper to Mr. Evarts).

Q. Here is Mr. Smith's answer. You cannot give me what the upshot of the matter was? There was no judgment or decree?—A. There was finally a compromise at a basis of thirty cents of the dollar; that is my recollection of it.

Q. And that was the end of the suit?—A. Yes, sir; I think so.

Q. There was no decree of the court?—A. I suppose there was a decree ratifying that compromise.

Q. Then the action of the court was in regard to ratifying the compromise?—A. A compromise was agreed upon; yes, sir.

Q. A compromise was made between the people and the persons accused, and the court ratified that settlement, and that disposes of that matter. Now, you have spoken of Mr. Hackworth's administration in answer to a suggestion to the effect that Mr. Hackworth's administration was against the interest of the public, and in favor of his friends. In what particulars do you find knowledge of this which justifies you in saying that?—A. Those road contracts would justify me in saying it, I think.

Q. What particular contract do you mean?—A. There are half a dozen or more of them, I think; paying a man a hundred dollars a mile to work

a road through the post oaks looks like that, and the price paid for some of those bridges was enough to make me think so.

Q. Is that all?—A. There were quite a number of things; it would be hard to remember them all.

Q. I cannot get anything you do not remember. I want you to tell us that you do remember.—A. Well, the general allowances of the court were considered extravagant, the most of them, the general allowances made by that police court. The grand jury complained of their buying buckets and paying \$2 apiece for them when they were not worth over 40 cents apiece. That is the grand jury report.

Q. Were these acts while Mr. S.A. Hackworth was occupying his official position as presiding judge of that court?—A. Yes, sir. I think it cost us some two or three thousand dollars a year then to support the paupers, and we support them now for five or six hundred dollars a year.

Q. Had he anything to do with that?—A. Yes, sir; that police court passed upon the matter. It declared a man or woman a pauper, and said what the allowance should be.

Q. Your point is that it cost \$3,000 a year then, and now it only costs \$600?—A. Not quite as much as \$3,000; I said two or three thousand dollars; I expect an average of \$2,000 would cover it. They now cost us about five or six hundred dollars a year.

Q. The support of paupers in 1871 or 1872 or thereabouts cost the county about \$2,000 a year?—A. Yes, sir; about an average of that.

Q. While Mr. Hackworth was presiding judge of that court?—A. Yes, sir.

Q. And now how much does it cost?—A. It costs about five or six hundred dollars a year.

Q. You know that do you?—A. Yes, sir.

Q. So in that you now charge, among other things, that Mr. Hackworth's administration was against the public and in favor of his friends?—A. Yes, sir.

Q. Is there any difference in the administration of the pauper system now from what it was in the time you complain of?—A. Yes, sir; quite a difference. We have now a poor-farm to put them on.

Q. What was the system before?—A. Just to let Tom, Dick, and Harry have them and have so much a month for keeping them.

Q. It costs six hundred dollars now to keep them; do you mean that disbursement from the treasury?—A. I will explain how that is. We have about thirty acres in the poor-farm. We let it out by contract every year, and the man agrees to take the farm, and he gets the proceeds of the farm, which don't amount to much, I reckon, and so much per capita for keeping the paupers.

Q. And the result of it is that you pay out five or six hundred dollars a year besides giving the property?—A. Yes, sir; giving the use of the property to the custodian of the paupers.

Q. How much did the farm and buildings cost?—A. I suppose they are worth about eighteen hundred or two thousand dollars.

Q. Do you mean the farm and buildings together only cost \$1,800?—A. Yes, sir; about that, I think. The buildings are not as good as this, by considerable.

Q. Nor as large, I suppose?—A. No, sir; not quite.

Q. But you really mean to say—A. Yes, sir; I think they only cost \$1,800 or \$2,000.

Q. You really mean to say that the thirty acres and the buildings on it have cost this county only \$1,800?—A. I think so.

Q. It must be a poor building?—A. They are pretty good box-houses, sir.

Q. At any rate, it is the way you treat your paupers out there?—A. Yes, sir. They seem to be satisfied; they stay there pretty well.

Q. Of course. They don't have much choice; you do not offer them anything else?—A. No, sir; it is Hobson's choice.

Q. Now, that is the comparison you make. What administration, the Republican or the Democratic administration, made this change from the old system to the present one?—A. I think it was a sort of mixed administration. Let me see. I think McAdoo was county judge, and I think the Republicans had a majority of the commissioners' court at the time the change was made.

Q. It was a Republican majority that made this change?—A. It was a Republican court that made the change; yes, sir. Of course it has been reduced along. The first change was to let out all the paupers by contract before they purchased the farm.

Q. I asked you a distinct question: whether the change from the former system, which cost \$2,000 a year, to the present system was a Republican measure, under a Republican administration?—A. You might say it was begun under Republican administration, with a gradual lessening of the expenses.

Q. It was started; there was a change made somehow or other?—A. Yes, sir.

Q. And was that not a Republican measure by a Republican administration?—A. Yes; they had a majority in the court.

Q. You know what an administration is?—A. Yes, sir; I understand that too. But I understand that the Democrats on that court concurred in the change as well as the Republicans.

Q. That may be, but that would not have done them any good if the majority had gone against them, would it?—A. No, sir; I suppose not.

Q. You think Mr. Hackworth left that neighborhood, you say, because he wanted to?—A. I would suppose so; I do not know of any reason for him to leave.

Q. What do you think made him want to leave there?—A. I don't know. I have had very little talk with Mr. Hackworth, and none about his leaving.

Q. By leaving because he wanted to, you mean that he was not driven off by force or by compulsion?—A. If there was any compulsion about his leaving, I did not know it.

Q. And when you say that he left because he wanted to, do you mean anything more?—A. That is so far as I know. I do not know anything about his leaving. He left because he wanted to, so far as I know.

Q. You said that he left because he wanted to, but was not obliged to?—A. I meant to say, so far as my knowledge of the facts are concerned, he left because he wanted to.

Q. But on that subject you have not any information?—A. No, sir.

Q. Well, that ends that.

By Mr. EUSTIS:

Q. When this protest was made by Mr. Hackworth the contracts had been already approved?—A. Yes, sir; the most of them, I think, had been already approved. It was shutting the stable door after the horse was gone, I take it.

TESTIMONY OF HENRY MULLER.

HENRY MULLER, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. Henry Muller.

Q. How old are you?—A. I am forty-four years old.

Q. Where do you live?—A. At Brenham, Texas.

Q. How long have you lived there?—A. At Brenham about fourteen years.

Q. What is your business?—A. I am publishing a newspaper and keeping a bookstore.

Q. What is the name of the paper?—A. The Texas Volksbote.

Q. What are your politics?—A. I am a Republican.

Q. How long have you been a Republican?—A. About twenty-seven years.

Q. Are you a Republican now?—A. I am.

Q. Were you in the army during the war?—A. I was.

Q. On which side?—A. On the Union side.

Q. Are you drawing your pension now?—A. I am.

Q. Were you an officer or a private soldier?—A. A private soldier.

Q. How long were you in the Army?—A. I was in the Army from the beginning until the close of the war, and a little after. I served five years in the volunteer service, and after that I served in the Regular Army.

Q. Who did you support at the last Presidential election?—A. Mr. Blaine.

Q. Did you vote for him?—A. I voted for him, and worked for him.

Q. Did your paper advocate his election?—A. Yes, sir; strongly.

Q. What ticket did you support at the last election in November, 1886?—A. I supported the People's ticket in Washington County.

Q. What ticket did you support in 1884—the local ticket, I mean?—A. In 1884 I didn't take any strong stand as to county elections. I advised the people to vote for the best men. I supported the Republican ticket in 1884; I mean in State and national affairs.

Q. What local ticket did your paper support in 1886—the last election?—A. What is called the People's ticket.

Q. How was that ticket formed, and what was the occasion of forming it?—A. That ticket in 1886 was simply formed by a petition signed by hundreds of citizens of both parties requesting the then present officers to run again for their respective offices—the county officers.

Q. Can you state about how many signed that call?—A. It must have been something like 800, possibly 900; I do not know exactly.

Q. From your knowledge of the people there do you remember whether it was signed irrespective of party, so far as national politics were concerned?—A. It was irrespective of party, so far as I know. It had the names of a great many Republicans on it also, and colored men, colored Republicans.

Q. Why is it that the Republicans, white and colored, supported the People's ticket in 1884 and 1886?—A. In 1884 I must say that I was not present at Brenham when the People's ticket was nominated, but being a newspaper man I had occasion to inquire into causes. It was formed because the citizens were dissatisfied with the mode the county

administration was conducted in, and they resolved to put in good men for office and elect them irrespective of politics.

Q. Do I understand you to mean that respectable Republicans were dissatisfied with the local Republican administration of affairs?—A. Yes, sir.

Q. Do you mean men, for instance, who were property holders?—A. Yes, sir; property holders.

Q. And people interested in good government?—A. Yes, sir.

Mr. EVARTS. He does not say all of them.

The WITNESS. No, sir; I did not say all of them.

Q. What is the general reputation of Mr. Hackworth in that community?—A. The general reputation of Mr. Hackworth is not of the very best.

Q. I mean S. A. Hackworth?—A. Yes, sir; S. A. Hackworth.

Q. One of the memorialists here?—A. Yes, sir. He is not generally respected.

Q. Does he enjoy the confidence of respectable Republicans in your neighborhood; those people with whom you are acquainted?—A. Not that I know of.

Q. Do you know of any reason for that; can you state anything with regard to his general reputation?—A. His general reputation is that while in office he contributed towards the low standing of our county's finances by his official acts.

Q. Is he not understood to be one of the white Republican leaders who seek to promote their own interests by influencing the colored people?—A. Yes, sir; it is understood so.

Q. And creating animosities——

Mr. EVARTS. I would rather he would give some of his own notions on that subject; I do not care for your own views about it.

Mr. EUSTIS. It is to explain the reason why this People's ticket was formed.

Mr. EVARTS. We have none of us been very precise about it, but I think this gentleman, who is an editor and writer, could tell the reasons why he thinks it occurred. He does not need to be led because he has not any vocabulary.

Q. I ask you whether Mr. Hackworth has not the reputation of being a Republican leader to promote his own interests and to control the negro vote?

The WITNESS. That is the question you put to me?

Mr. EUSTIS. Yes.

A. He has always managed to control the colored vote, and for his own ends; yes, sir.

Q. What is the general reputation of M. Schutze in that community?—A. It is very low.

Q. What are the reasons, if you know, why he enjoys that reputation?

—A. I do not know much of my own personal experience.

Q. I speak of what you have heard said, the general impression in the community.—A. Oh, he is considered to be low and vile in his habits, dishonest and unreliable.

Q. I suppose you know quite a number of respectable Republicans in Brenham?—A. Yes, sir.

Q. Is any man, from the mere fact that he is a Republican, at all molested in that community?—A. No, sir.

Q. Either in his social relations or his business relations or any other relations?—A. Not on account of his politics; I have never known an act of that kind.

Q. How long has that been so?—A. That has been so ever since I have been in Texas, where I live.

Q. So that a Republican who attends to his business and works and votes for his party, who himself is a man of good standing and not obnoxious to the community, I understand you to say, is on precisely the same footing as a Democratic citizen would be?—A. Yes, sir; he has the same rights and is not molested.

Q. And there is no distinction made against him?—A. No, sir.

Q. So far as your observation extends, are not the people in that community a law-abiding, peaceable people?—A. Yes, sir; they are.

Q. People who want good government?—A. Yes, sir; they are that.

Q. Is not one of the causes of prejudice against these gentlemen you have mentioned their attempt to control and unite the negro people and the negro vote against the white people and the white vote?—A. That is understood so.

Q. Is not that very dangerous to the peace of the community?—A. It is at times.

Q. And that is deprecated, is it not, by the good people of that community, Democrats and Republicans?—A. I would say that the uniting of the colored vote is not so much deprecated as the uniting of the colored vote to support men whom people do not respect or like.

By Mr. EVARTS:

Q. Do you think the hanging of the three men who were taken from the jail was an indication of a law-abiding spirit down there?—A. I do not.

Q. Do you think the disposition and conduct of the community there after this last election in raiding the ballot-boxes and breaking up the election and defeating it, indicated a law-abiding people?—A. I do not.

Q. What instances can you name indicating this to be a law-abiding community. What instances can you mention as having occurred between the 2d of November and the 4th of December last?—A. The quiet and orderly condition of our city of Brenham, I can instance as one. That is the place where I live, and that place is the only one I can mention, as I have been nowhere else.

Q. Between the 2d of November and the 4th of December last?—A. Yes, sir.

Q. The quiet of that town?—A. Yes, sir.

Q. Can you name any other indication of a law-abiding people?—A. The indication of a law-abiding people may perhaps be found in the circumstances that nothing occurred to disturb the law except the hanging of those negroes.

Q. That is, that there was no more hanging than that?—A. Yes; hanging or violence of any kind.

Q. You think that indicates a law-abiding people; that there were no more hangings or violence?—A. I do not think that; I only said that I could not name anything specially, and that nothing occurred in violation of the laws except that.

Q. You did not observe any movement in that community towards disapproving of violence at the ballot-boxes, or disapproving of the hanging, did you?—A. That has been expressed by citizens of all parties; a disapproval of that hanging; I have done that in my paper, and it has been also expressed at the public meeting at Burton that I read of.

Q. That was not at Brenham then?—A. No, sir.

Q. Well, let us have Brenham, that is where you live; go on with your indications of a law-abiding community between the 2d of November

and the 4th of December.—A. Very well; some time after the election the meeting of citizens was held at Brenham——

Q. Do you mean the meeting at Eldredge Hall?—A. Yes, sir; the one at Eldredge hall.

Q. Do you give that as an indication of a law-abiding people?—A. I give that as one.

Q. Very well; give us now any other.—A. I do not know but what there was two meetings held there, at which it was resolved to keep up peace and order.

Q. You have given us one meeting; we know what took place there. Now, name any other meeting which you think shows an indication of a law-abiding people.—A. There are none that I can remember now.

Q. You say that individuals expressed opinions adverse to violence and disturbance?—A. Yes, sir.

Q. And that you also did in your newspaper?—A. Yes, sir.

Q. Did you ever hear of the Democratic party or the Democratic citizens there uniting in any movement to show that they disapproved of raiding the ballot-boxes or of hanging these men; I mean there at your place of Brenham?—A. I think that was expressed in the meeting held about two or three weeks ago, in which all this violence was deprecated.

Q. That is, you mean a meeting held two or three weeks ago from the present time?—A. Yes, sir; two or three weeks ago.

Q. Since the Senate commenced this investigation?—A. I think so.

Q. But up to that time you had not heard of any movement of the kind in that community, had you?

The WITNESS. After which time?

Mr. EVARTS. Up to this meeting held three weeks ago. You have named a meeting which took place two or three weeks ago that showed a loyalty to law and so forth?

A. Yes, sir.

Q. But up to that time, had there been any movement?—A. I think the same had been expressed in the meeting at Eldredge Hall.

Q. But, except in that one case?—A. Except that, I do not know of any other.

Q. Did you know of any movement on the part of Democratic citizens to protect Hackworth, Schutze, and Moore in their security and safety in remaining there?—A. I do not.

Q. Now, you say you have always been and are a Republican?—A. Yes, sir.

Q. Which side have you taken since the last election; that is, November 2d; what side have you taken in that community, in denouncing or palliating the transactions there?—A. What transactions?

Mr. EVARTS. The transactions of raiding the ballot-boxes and hanging these negroes; which side have you taken there?

A. I have pronounced them as deeds of violence that are not to be countenanced by anybody.

Q. How have you done it, in what way?—A. I have done it in my paper, and I have done it on the street in conversation.

Q. Have you taken sides with the Republicans against the Democrats, or with the Democrats against the Republicans there since this?—

A. I have had no occasion to take any side; there has been no controversy.

Q. And you have not taken any side?—A. I think I have advocated Republican principles all the time. I do not know that I have had any occasion to do so since then.

Q. Well, you have not done it then, have you?—A. I am not prepared to answer. I am not editing my paper alone; I have been away a part of the time.

Q. Well, speak of what you did and know. Have you taken sides with the Republicans against the Democrats for the outrages that have been perpetrated there?

The WITNESS. For the outrages?

Mr. EVARTS. Yes; I call raiding the ballot-box an outrage, and I call hanging these men an outrage. Now you know what I mean. What side have you taken in those two matters?

A. I have taken the side against the raiding and against the murder.

Q. Have you done anything towards bringing to justice anybody there for this violence?—A. No, sir; I am not an officer.

Q. But you have not tried to do anything? Have you tried to get the Democratic party, with which you seem to be in some degree of favor, at least, to unite in bring to justice anybody there?—A. No, sir.

Q. You have not? Now, you say there was an indignation meeting at Burton. Did your newspaper publish the proceedings of the meeting at Burton?—A. Yes, sir.

Q. It published the resolutions, or whatever they were; the proceedings?—A. Yes, sir; the proceedings of the meeting and the resolutions were published in an article containing the whole purport of the thing.

Q. But the resolutions themselves were not published?—A. The resolutions were published also. I translated them in an editorial or local, I forget which now.

Q. It is a simple question. Did you publish the proceedings of that meeting in the form and manner in which the meeting put them forth, in your paper?—A. I reported the meeting and substance of the resolutions adopted there.

Q. In an editorial?—A. In an editorial or local.

Q. A local item you mean, a paragraph?—A. Yes, sir.

Q. But you did not publish in form the resolutions and proceedings?—A. I have got the paper here, and I think I could furnish it to the committee.

Q. Do you not remember about it?—A. I remember that it occupied about half a column.

Q. You do not remember whether you published the resolutions in form?—A. In form? No, sir; I do not think I published them in form. I published the substance of the resolutions.

Q. Did you refuse to do so when you were asked to do it?—A. No, sir.

Q. Were you present at the meeting held in Eldredge Hall?—A. A part of the time.

Q. Well, during the most of the time?

The WITNESS. Do you mean the first meeting held at Eldredge Hall?

Mr. EVARTS. I mean the Eldredge Hall meeting; I believe there was only one there.

A. I was present when Colonel Giddings spoke, and when Mr. Haynes spoke, and I think after or before Mr. Haynes got through I left.

Q. Were you there from the beginning until Colonel Giddings had spoken; is that what you mean?—A. No, sir.

Q. You were not there when Judge Kirk spoke?—A. No, sir.

Q. Do you remember what was said there about warning Mr. Hackworth and others to quit the town?—A. No, sir; I was not there.

Q. You did not hear that part?—A. No, sir; I did not hear but one or two gentlemen speak.

Q. Is it your judgment from what you saw at that meeting that it was characterized by a desire to denounce the raiding of ballot-boxes : do you think that was a demonstration of a law-abiding disposition to denounce the raids on the ballot-boxes that had taken place?—A. I do not know that it was.

Q. You were there, and can say whether that was an instance of a law-abiding disposition?—A. I heard Colonel Giddings speak, and heard him counseling quiet and peace, the observance of the laws, and protection of life and property.

Q. And that is all that you heard?—A. The killing of Bolton, that caused great excitement, and some fears were entertained on the part of people of further outbreaks, and that is what I suppose what brought together the meeting.

Q. Is there more than one German paper in Brenham?—A. There is another.

Q. What is the name of that other German paper?—A. Staats Zeitung.

Q. Was Schutze the owner and editor of that paper?—A. He was the editor, at any rate, and perhaps the owner.

Q. And were yours and his both Republican papers?—A. Mr. Schutze had professed to be independent in politics while supporting the candidates for county offices who called themselves Republicans at the last election.

Q. When Mr. Schutze left there, who became the owners of the Staats Zeitung?—A. I understand he took the paper with him to Galveston.

Q. And so yours is the only German paper there now?—A. Well, that paper is printed at Galveston, or was when I left, and still calls itself a Brenham paper. Mine is the only German paper printed at Brenham.

Q. Yours is still a Republican paper?—A. Yes, sir.

Q. Is it a Republican paper so far as local politics are concerned?—A. Well, in local politics we have none at present, but it has not advocated any of the candidates for the past six or eight years for local officers on account of their politics.

Q. Then it is not a Republican paper in support of local politics?—A. No, sir.

Q. Is there any Republican paper there?—A. None except mine, not in local politics.

Q. You say that the People's ticket in 1886 was organized in the interest of good citizens and regardless of politics?—A. Yes, sir.

Q. How many supporters of that movement were Republicans, and how many Democrats?—A. I could not state that.

Q. What is the proportion as near as you can come to it?—A. It might be two Democrats to one Republican.

Q. In getting up the ticket, you mean?—A. In the number of signatures to the petition.

Q. In moving towards the organization of which you speak?—A. Yes, sir. But I am not positive about it. There might be more Republicans on it; I have never counted them.

Q. How many persons signed that?—A. About 800, I think.

Q. What is the whole vote of the county?—A. The whole vote of the county is something between 5,000 and 6,000.

Q. Do you think there were as many as 100 Republican names to it?—A. Yes, sir; I think so.

Q. You think there would be one-third of those 800 men who were Republicans?—A. It may be so.

Q. Well, it may be. What is your idea?—A. That is about my idea.

Q. And how many of those were colored Republican signers?—A. I do not know.

Q. Were there any?—A. There were some.

Q. How many?—A. I do not know.

Q. A dozen?—A. I would have to look over the list.

Q. What is your general impression?—A. I think there may be more than a dozen, but I do not know.

Q. They were a mere handful compared with the 800, were they not?—A. I am not prepared to answer. I do not know. There were certainly less colored than white signers.

Q. That is the nearest you can come to it? Do you think it is a measuring cast whether there were more colored Republicans signed?—A. No, sir; I think there were more white Republicans.

Q. Now this organization was accomplished for the election of candidates that this People's party should put forth, was it not?—A. It was not an organization; it was simply a petition signed by a number of citizens to solicit the officers then in office to run again for their offices.

Q. They were Democrats, were they?—A. No, sir; not all.

Q. Well, the county judge?—A. The county judge was a Democrat.

Q. How was the sheriff?—A. The sheriff was a Democrat.

Q. How was the county attorney?—A. The county attorney was a Democrat.

Q. Was there any important office held by the Republicans?—A. The county assessor was Republican; the county treasurer is not a pronounced party man, but, if anything, he is Republican; the county collector is not a pronounced party man, but he is, if anything, a Republican.

Q. Is there anybody who is wholly a Republican except the assessor; was not the assessor the only pronounced Republican in office?—A. He was the only active politician who was a Republican; yes, sir.

Q. Or who knew whether he was a Republican or a Democrat?—A. Yes, sir.

Q. The others were Republicans, you say, if they were anything?—A. Yes, sir; they were not pronounced party men.

Q. And that was the organization to re-elect the people to office?—A. Yes, sir.

Q. And the leading places were filled by the Democrats?—A. Yes, sir; they were most of them Democrats.

Q. When it came to the voting, was not the most of the voting for the People's ticket Democratic voting?—A. I can speak only from the figures on the returns. At the three voting places in Brenham's something like 1,300 votes were cast, and the People's ticket had a majority there, nearly all of them except the assessor. I think the majority ranged from 50 to 100 or thereabouts, while, so far as the party is concerned, the precinct is Republican, or used to be.

Q. How many votes for the Republican ticket were cast at that election in Brenham?—A. Something like—

Q. I mean at this election?—A. I think the Republican ticket received at the Brenham precinct something like 600 votes.

Q. And how many did the People's ticket have?—A. The People's ticket had from 600 to 700.

Q. So that it was pretty close?—A. Yes, sir; it was pretty close.

Q. Now of those 600 or 700 votes which carried the day for the People's ticket in that town, how many were Democratic votes and how

many were Republican votes?—A. There may have been from 100 to 200 Republican votes.

Q. How many of that 100 or 200 Republican votes were colored votes?—A. Hardly any.

Q. Did you work for this People's ticket in that election by your paper or otherwise?—A. Very little. I worked some for that ticket.

Q. Did you work for the Republican ticket?—A. For the State ticket I did. I got a Republican ticket with the State ticket and with a People's ticket attached to it.

Q. But for the local ticket you were against the Republicans?—A. Yes, sir.

Q. And whatever you did you did for the People's local ticket?—A. Yes, sir.

Q. You have said that Mr. S. A. Hackworth's reputation in that community was not of the very best. What were the objections to him as entertained by his fellow-citizens there?—A. His associations were mostly with politicians, especially colored politicians of his own kind.

Q. Of his own party you mean?—A. Yes; of his own party. His actions while an officer were such as to deprive him of the support of many of his former friends or fellow-party men—

Q. Then it was confined to his political activity?—A. I am not quite through yet, if you please.

Q. You may proceed, then.—A. His standing in business was not good.

Q. Do you mean for solvency?—A. Yes, sir; for solvency.

Q. Those are the grounds upon which you think his reputation was not of the very best, as you have described it?—A. Yes, sir; those are the grounds of objection. I have had very little intercourse with him, and have no judgment of my own to offer.

Q. But you did have intercourse with the community, and these were the grounds, as you understood them, upon which his reputation was not good there?—A. They were some of the grounds, such as I could see. I did not have any occasion to inquire into them.

Q. Was there anything in his treatment of politics or political activity as a Republican that as you thought was unsuitable; that you as a Republican thought was unsuitable?

The WITNESS. To me as a Republican?

Mr. EVARTS. Yes.

A. There was; yes, sir.

Q. What was there in his political activity that to you as a Republican was unsuitable?—A. A great many of the Republicans are German Republicans, and they had no chance in the world to have anything to say about the action of the party in the county. They were not notified of any convention to be held in the county. The management of those things was confined to a few men, of whom Mr. Hackworth was one, and that made a great many Republicans withdraw from any active part in politics.

Q. There was a large body of German citizens there, was there not?—A. Yes, sir.

Q. Were they mostly Republicans?—A. I think they are in the majority Republicans.

Q. Did the Germans give a support to the People's ticket as against the Republican ticket in the local election?—A. They did in that part of the county I speak of, in the Brenham precinct.

Q. Did the German votes make the difference between the ticket for

the Democrats and the ticket for the Republicans there in Brenham?—

A. No; I think it was rather mixed.

Q. You say there was 100 or 200 Republican votes which gave the majority to the People's ticket in that town?—A. Yes, sir.

Q. Was that 100 or 200 votes mainly by the German Republicans?—A. Yes, sir; I think so.

Q. That is your idea?—A. Yes, sir.

Q. And there had been some feeling of soreness or resentment on the part of the Germans that they had not been properly treated in the political movements of the Republicans there?—A. Yes, sir.

Q. And that was part of the ill feeling towards Mr. Hackworth?—A. No, sir; that was the cause of an admixing of the county politics with the Republican movements.

Q. But I understood you to say that the Germans did not get notice of the meetings, and so on?—A. They withdrew from activity in county politics.

Q. The Republican vote?—A. Yes, sir.

Q. Now, you have also spoken that while in office his administration contributed to reducing the financial credit of your town there?—A. Yes, sir.

Q. How had Mr. Hackworth contributed to that?—A. He held official positions at various times, and I can only say this, that up to about one year ago the county finances were low, and the county scrip never was at par, but it was down to 75 cents on the dollar, and less; I believe it was down to 50 cents at times, and the general administration was very expensive.

Q. You mean by the Republican party?—A. Yes, sir; they were mostly or nearly all Republicans in office.

Q. You mean by the Republican party, of which Mr. Hackworth was one?—A. Yes, sir.

Q. Were there any charges of his having appropriated to himself any public money or funds?—A. I understand that there were a number of indictments and charges brought against him at various times, but I do not know that from my own knowledge.

Q. And that is all that you know?—A. That is all that I know.

Q. Did you know that all of those indictments were disposed of by an acquittal of him and by withdrawal of the indictments?—A. I do not know that he has ever been tried for anything, but I understand that they have been withdrawn or quashed, as they call it.

Q. We have had it put in evidence here that he was tried on one indictment and acquitted by the jury, and the whole thing was put an end to. But you have not heard of that disposition of those indictments?—A. No, sir.

Q. Did you know that those indictments related to matters as far back as 1871 or 1872?—A. I did not make any inquiry as to the time, how long it had been.

Q. When did you move into that county?—A. I moved there in 1874.

Q. These indictments were found before you went there?—A. He was justice of the peace then, I think.

Q. You say that the community there were not pleased with the politics of Mr. Hackworth and others, uniting the colored people against the white people. Was there any effort to unite them in any other way than at the polls?—A. I do not know that I said that.

Q. I have not professed to quote the whole of what you said, or perhaps the language. But there was something equivalent to that, something like that, but whatever you did say is down and no doubt

rightly. But part of the trouble there in the community, as I understood you, about Mr. Hackworth and these other active Republicans was that they were uniting the colored people against the white people?—

A. Yes, sir.

Q. Do you understand that there was any complaint about the action of the Republicans down there, including Mr. Hackworth, as to uniting the colored people, except as to uniting them in the vote, in politics?—

A. I do not know. I think the objection was to the ticket they had put in the field.

Q. You mean the ticket that the Republicans had put into the field at this election?—A. Yes, sir.

Q. Do you know of any just ground of complaint against the Republicans, the active politicians there, in their efforts to get the most of the votes for their tickets that they could?—A. No; I do not.

Q. Had you ever heard of any of these gentlemen, these petitioners, or active Republicans down there endeavoring to unite the colored people in hostility to law and peace down there?—A. I have heard rumors to that effect; that some of the white Republicans had made speeches, incendiary speeches, out in the country, but I do not know about it; I heard that.

Q. When did you hear that?—A. I heard it before and after the election.

Q. Do you mean this last election?—A. Yes, sir.

Q. Speeches made in that campaign?—A. Yes, sir; made in that campaign.

Q. You never heard any yourself?—A. No, sir; no incendiary speeches.

Q. When incendiary speeches are imputed to the Republicans by Democrats down there what do they mean by it?—A. I do not know what they mean by it; but I take it to mean inciting to rioting and violence?

Q. Do you think the Republican party down there was chargeable with any such purpose or organization?—A. I do not know.

Q. You as a Republican never took any part in such a movement?—A. No, sir.

Q. And did not know of your associates being engaged in any?

The WITNESS. My associates in what?

Mr. EVARTS. In the Republican party.

A. I do not know anything about it; no, sir.

Q. You expressed the opinion that if a man down there, a Republican, minded his own business he would not be molested. Do you mean in his activities in politics; is that what you mean?—A. I believe that I said I had never been molested on that account, and that I had never known any instance of the kind.

Q. Of any one being molested on account of politics?—A. Yes, sir.

Q. If he minded his own business?—A. If he minded his own business. If he is otherwise respectable, and does not give occasion for the ill-will of parties on other accounts, he is not molested. But if he is a criminal or——

Q. That is to say if nobody had any ill feeling towards him they would not treat him illy?—A. They would not treat him ill on account of politics.

Q. That is, if they had no ill-will against him?—A. If they had not otherwise some personal feeling against the man for reasons that might occasion it. I mean to say that the Republicans could vote and act with their party there unmolested, and always could, so far as I know, so far as my knowledge goes.

Q. You do not think that the voting at these precincts where the ballot-boxes were raided—you do not think that the election there was left unmolested?—A. I am referring to the voting, to the citizens going to the poll and voting.

Q. Then you draw a distinction between the depositing of the votes and the allowing them to be counted?—A. I had only reference to the depositing of the vote.

Q. You think that these three gentlemen, Messrs. Schutze, Hackworth, and Moore, were not proscribed or driven from that community in any way?—A. I do not think they were.

Q. You think they went from free choice, do you?—A. I do.

Q. Without any pressure of ill treatment or ill feeling towards them by the community down there?—A. I do not know how that was. I suppose there was ill feeling against them on their own personal account, but not on account of their politics.

Q. You do not think, then, that their activity in politics constituted any part of the odium there which produced this ill feeling towards them and which was followed by their leaving?—A. I do not know of any special ill feeling against them. The ill feeling, or rather the disrespect in which they were held, existed long before that.

Q. Well, they did not leave in 1872 or 1876, but they did leave in 1886 or 1887 rather, perhaps. They did leave in consequence of what occurred down there at that election and subsequent to it. Now, you think it was a free choice with them whether they should stay or go away?—A. I do.

Q. And that they could have remained there just the same as if those events had not taken place?—A. From all I know, I think they could have lived there, because I have never known or seen or heard of anything done against them.

Q. You never saw any violence inflicted on them, and therefore you think they could have staid?—A. Or heard of it; I think they could have staid.

Q. Did you know of their having been warned to leave?—A. I did not; not of any of those three.

Q. You did not hear of it?—A. I did not hear of it.

Q. Not at all?—A. Not at all.

Q. You did speak about Mr. Schutze. What was your expression about Mr. Schutze when you were asked what his reputation was?—A. I think I said it was low.

Q. What do you mean by "low"? Do you mean he was not held in good repute?—A. He was not held in good repute; yes, sir.

Q. How long had he been in that ill-repute to your knowledge?—A. Well, he has never been in good repute, but there were times in years past when he was somewhat better reputed there than he is now.

Q. Was not his paper there the principal German paper?—A. Yes, sir.

Q. And was it not supported by Germans there as their organ, &c.?—A. I do not know who it was supported by. I do not think that it ever paid him a cent.

Q. Well, it was kept going?—A. Yes, sir; it was kept going.

Q. And had readers?—A. I do not know what readers he had.

Q. When did you introduce your rival paper there?—A. My paper was published, and it is now in its fourteenth year.

Q. Which had the largest support, that paper of yours or Mr. Schutze's paper?—A. I do not know.

Q. You have not any idea?—A. No, sir; so far as the circulation is concerned.

Q. At any time before Mr. Schutze left there was your newspaper, the largest circulation, something like 300?—A. Yes, sir.

Q. How large did it go prior to these events, prior to the last election?—A. Well, something like about 800.

Q. When did it attain that circulation?—A. It has had that for a number of years.

Q. Was it not after you joined the local organization against the Republicans?—A. No, sir.

Q. That was about two years ago. Now, at the time of this circulation of yours, how large was the circulation of Mr. Schutze's paper?—A. I have no means of knowing.

Q. You have no opinion on that subject as to which was the largest. Since this last election has your circulation suffered?—A. No, sir.

Q. Hadn't it the same support of the Germans as it had since the course you had taken in the last three months?—A. I think I have lost about five or six subscribers, and in Washington County I have gained perhaps thirty or forty; I do not know. I may have lost eight; they are constantly coming and going, but we have gained on the whole.

TESTIMONY OF W. W. SEARCY.

W. W. SEARCY, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. W. W. Searcy.

Q. How old are you?—A. I am thirty years old.

Q. Where do you live?—A. I live in Washington County, Texas.

Q. How long have you lived there?—A. I have lived there since January 7, 1877.

Q. What is your business?—A. I am an attorney at law; and I have been chairman of the Democratic executive committee of that county for the past six years.

Q. You know what the subject-matter of this investigation is?—A. Yes, sir.

Q. In regard to these gentlemen, Messrs. Hackworth, Schutze, and Moore?—A. I know them all.

Q. You say you are chairman of the Democratic executive committee?—A. I have been for the past six years.

Q. Has there been any regular Democratic convention or organization for some years past in Washington County?—A. There has been a Democratic organization all the time for the purpose of sending delegates to the State convention. We call a county convention together whenever there is to be a State or district nomination, in order to send out delegates. But for county nominations there has been no convention for the past two elections.

By Mr. SPOONER:

Q. You mean for 1884 and 1886?—A. Yes, sir; for 1884 and 1886. In 1886 I was myself, individually, opposed to the citizens' meeting. I thought that the Democratic organization of the county ought to be kept up, and refused to go into the citizens' meeting. Also, I did not sign the call made last autumn on the candidates, because I have always been in favor of keeping up the Democratic organizations of our county.

By Mr. EUSTIS:

Q. What do you know about the occasion for forming this People's ticket which was formed in the fall of 1886?—A. So far as I know about the forming of that ticket, it was done in order to protect the tax-payers of the county from a lot of thieves who had lived there like vipers on their substance for the past twenty years. When I first went there Len Smith, the former tax-collector, was then settling with the commissioners' court for a default that he had made, and compromised for \$1,000 with the county for his default. Then there was Hutcheson, one man who has been spoken of here, who had been indicted and convicted by the jurors of that county for squandering the funds there when he was road overseer, but whose case was reversed by the supreme court upon technicalities of the law, not because the man was not guilty, but because they said in their decision that there was no law for punishing that offense. He was tried and convicted by the jurors of our county, but the supreme court of the State reversed and dismissed the case, because they said there was no law for punishing that sort of an offense.

By Mr. EVARTS:

Q. What was the name of that one?—A. J. H. Hutcheson. After that default, and after he had been convicted, after his case was reversed and sent back, he was nominated by these same men for sheriff of that county, and was elected two or three successive terms as sheriff, and has since been sued on his bond there for sheriff for money collected and not turned over to the county.

By Mr. EUSTIS:

Q. When you say he was nominated by these same men for sheriff of the county, to whom do you refer?—A. I refer to Hackworth and the Republican party. Then there came along Dick Harvin, who was elected collector in 1876, I believe it was; that was before I went there. When I went there I found him in the collector's office. In 1880, when I was appointed chairman of the Democratic executive committee, we all knew these people were squandering the money that they collected, and I went to work and worked up the case against Harvin, and he was indicted eleven times by the grand jury. The indictments were quashed, and then the State sued him for \$10,000 as a defaulter. He was then county collector, and he resigned. He had been renominated by the Republican party, but he resigned his position as tax-collector, and withdrew from the ticket after these defaults had been brought out on him, and then two years afterwards they nominated him for sheriff of the county and ran him. Then there was Leib, who was nominated, I believe, in 1880, who stole \$25,000 of the people's money, and now is in the penitentiary serving a sentence for that.

Q. These four individuals you have mentioned are Republicans?—A. Yes, sir; they are all Republicans, and they have been the principal officeholders, and they have held the moneyed offices of the county nearly all the time. Mr. Amsler, a German, succeeded Harvin in the tax-collector's office. He was the first tax-collector, Harvin was, and he held that office until he was proved to be a defaulter and forced to resign. Then Mr. Amsler was elected and honestly administered the affairs of the office for two years and then declined to run again, and his deputy was taken up by the people's movement, and he is now tax-collector of the county. Now, as to Mr. Schutze, he has no moral character there at all.

Mr. EVARTS. That is rather an elaborate view of things.

The WITNESS. All right; I am ready to answer any questions.

Q. What do you know about these memorialists?

Mr. EVARTS. Do you mean about their character and reputation?

Mr. EUSTIS. Yes.

Q. What do you know about the character and reputation of these memorialists?—A. The reputation and character of those men are not good in our community. As to Mr. Hackworth, the report of the grand jury, which has been introduced here, will show about him. But it failed to be stated that there were three negroes on that grand jury which presented these indictments against Mr. Hackworth—

Mr. EVARTS. We do not care to have repeated what is in those indictments; we have them all before us.

The WITNESS. I was giving the basis for the opinion of the people about these men. Three of that grand jury were negroes. One, Mr. Parker, had figured as a leading Republican politician in that county up to the time he left. He is not in the county now.

Q. Those indictments were nolle prossed, were they not?—A. They were disposed of before I went there to the county; those indictments were found and disposed of before I went there.

Q. Do you know the politics of the district attorney at that time?—

A. The district attorney was a Republican.

Q. Do you know of what politics the judge was?—A. The judge was a Republican.

Q. What were their names?—A. Tom Davidson was the district attorney and I. B. McFarland was the district judge.

Q. What is the standing and reputation of S. A. Hackworth in that community?—A. It is not good. Hackworth is a politician there among the negroes, and was elected justice of the peace there, I believe, in 1880. He was hung in effigy during his term of office for a lot of petty prosecutions that he got up against the town people there for the nonpayment of occupation taxes, I think, and at the next election after that he was defeated, and has not since that time offered himself as a candidate for any position.

Q. Do you mean to say that his standing is such that he could not live in that community and prosper?—A. No, sir; he could live there if he wanted to.

Q. But I mean with regard to his success in life? Of course if a man has a bad reputation—A. His success in life? He can never do any business there, and he never had any business that I know of except the colonization of those negroes down in Fort Bend county. He has been a leader of Republican politics, and it is generally understood among those people—with those fellows who run the politics of the country—that if they elect an officer there they are to get part of the chicken-pie, as it is called, and be appointed deputies, or one thing and another.

Q. Do you know anything about Mr. Hackworth's leaving Brenham?—A. I know he left there, but his family is still there, I understand.

Q. You do not know of any of the circumstances with regard to his leaving?—A. No, sir; I never had but one conversation with Mr. Hackworth after the election. I do not have anything to do with those gentlemen when they are at home—or those men, I should call them.

Q. Did that conversation refer to his leaving?—A. No, sir; the conversation I allude to was some time after the election, when Mr. Hackworth met on the streets of Brenham. It seems that the firm of which I am a member, the younger partner of it, had dropped Mr. Hack-

worth a dun of some sort for some claim placed in our hands for collection. Mr. Hackworth called me aside and made some remark about that, and then asked me if I did not think a committee should be appointed. At that time they were talking about contesting the election, and he asked me if I did not think a committee should be appointed to have that matter settled without going into the courts. I told him I had nothing to do with it; that I was not a candidate——

Q. Do you know about Mr. Schutze's leaving there?—A. No, sir; I do not. I only know that he is away from there.

Q. Do you know anything about Mr. Moore's leaving Brenham?—A. No, sir; only that he is absent. I never had conversation with any of the gentlemen except Mr. Hackworth, as I have related here, after the election.

Q. What is Mr. Schutze's general reputation in that community?—A. His general reputation is bad.

Q. Do you know about Mr. Moore's reputation?—A. Mr. Moore has the best reputation of either of the three, and that is not very good.

By Mr. EVARTS:

Q. I forget whether you stated what your profession was.—A. I am an attorney-at-law and a member of the firm of Garrard, Searcy & Bryan.

Q. How long have you lived down there?—A. I have lived in Texas all my life, and have lived in Brenham since 1877.

Q. Before 1877 did you live in the neighborhood of Brenham?—A. I was raised in Lavaca County, about 75 or 80 miles from there——

Q. If you will confine your answer directly to my question we will get on. I do not care except to know how long you have lived in that neighborhood. I ask you if before 1877 you had lived in that neighborhood?—A. I stated to you that I lived about 75 miles from there in Lavaca County; that is where I lived.

Q. Not in Washington County?—A. No, sir; I had not lived in Washington County up to 1877.

Q. So that from 1877 you date your acquaintance with the politics of the community of Brenham and its neighborhood?—A. Yes, sir.

Q. Were you practicing law before you came to Brenham, or did you then begin to practice?—A. No, sir; I commenced to practice law in Brenham. I went from Houston, I will state, to Brenham. I was there reading law——

Q. Never mind that. You commenced your profession there, to practice it?—A. I commenced the practice of law in Brenham.

Q. And have been an active Democratic politician ever since?—A. I have been a member of the Democratic party, and have been, you might say, active in the party.

Q. Have you been a candidate for office at any time?—A. At one time just after I went to Brenham I was a candidate for the nomination of county attorney and was defeated by another young man. Since that time I have not been a candidate for office. I was nominated at this last election for representative from my district, but declined to make the race.

Q. By whom were you defeated when you ran for the nomination of county attorney?—A. Charlie Lockitt was nominated for county attorney. It was the first year after I went to Brenham.

Q. You have been in favor of a strict Democratic party organization and ticket always?—A. That has always been my stand on the question.

Q. You were hostile to the People's ticket?—A. No, sir; I was not hostile to it; I supported it.

Q. You were hostile to its being gotten up?—A. Yes, sir; when first started in 1884, and refused to go into the convention that made the ticket.

Q. In 1886 what attitude did you take towards the People's ticket?—A. I supported the People's ticket, sir.

Q. And worked for it?—A. Yes, sir; I worked for it.

Q. Did you do that as a Democrat or as a good citizen?—A. I did it as a citizen.

A. And not as a Democrat?—A. No, sir; I did not consider it a Democratic ticket, and there are men there in office now, as stated by Mr. Muller, who do not consider themselves Democrats.

Q. But you did not give any aid to the Republicans?—A. No, sir.

Q. And never have at any time in your life?—A. No, sir; I have not given them any aid at any time in my life that I know of.

Q. You have spoken of several Republican gentlemen who held office in that county by election, and who have been engaged in or have been charged with improper management of their offices and the interests of the people. Did all of these take place before you went there?—A. No, sir.

Q. What took place afterwards?—A. Lieb and Harvin both defaulted after I went there, and Hodgison had been sued on his bond as sheriff for money collected and not paid over to parties he had collected it for on executions. I have had some suits myself. And Smith made his settlement with the commissioners' court after I went there.

Q. We have heard about Lieb and Harvin before, but I will ask you one question about Harvin. He was in default, and was supposed to be treated as in default to the county?—A. I understand that he settled with the county afterwards for about \$1,300. I have no personal knowledge of it, however. He paid the State \$10,000 that he was sued on; a little over or a little under that.

Q. But he paid it up?—A. Yes, sir; it was paid up after he was sued.

Q. And he paid up \$1,300 to the county?—A. Yes, sir; I understood so.

Q. Was that with or without suit?—A. I do not think that the county brought suit.

Q. So that so far as you know all the deficiency accounts to the State and to the county were paid up by Harvin?—A. No, sir; I have a letter from the comptroller that one-quarter of the occupation taxes for \$6,000 have not been settled to this day. I have that communication and will produce it as soon as my scrap-book comes. I do not know it personally.

Q. Is that private information that you had?—A. No, sir; it was published in the Brenham paper at the time.

Q. Whatever was charged in that record was published?—A. Yes, sir; it was published over my signature.

Q. When was that publication made by you?—A. That publication was made in 1882 when Harvin was candidate for sheriff in our county on the Republican ticket.

Q. What was the result of that election?—A. Harvin was defeated and Dever elected on the People's ticket. Moore ran independent on the Republican ticket. Harvin was the regular nominee of the Republicans, but Moore bolted and ran independent and carried off 600 or 700 votes and Dever was elected.

Q. But it was not the People's ticket that Dever was elected on, was it?—A. Yes, sir; he was in 1884. All the People's ticket was elected at that time except Hoffmann, I believe.

Q. Is that so?—A. No, sir; I mean 1884 instead of 1882 that that communication was published.

Q. So that the two Republican candidates divided the vote, and the Democrat was chosen?—A. Yes, sir; he was a Democrat, but he was running on the People's ticket.

Q. Do you know of any defalcations by Mr. Hackworth?—A. I do not know of any personally.

Q. Did you ever hear of any?—A. Except these grand jury reports; I do not know that they are called defalcations.

Q. Do you mean these charges we have before us?—A. Yes, sir.

Q. You never heard any other matters except these indictments, whatever they were. Did you ever hear of Mr. Schutze's having anything to do with wasting the public money?—A. No, sir; but I heard, and it was generally believed in our county, that Mr. Schutze accepted bribes while he was county attorney down there.

Q. Do you mean it was understood and believed at the time?—A. Yes, sir.

Q. Was anything done about that down there?—A. I do not know. I think the grand jury tried to investigate it once, but did not find out anything.

Q. You had not known of any bribes being given to him?—A. No, sir; but I have known of his deserting a murder case after he had selected—

Q. I did not ask you about that.—A. I did not state that I knew anything. That was just the belief in the community, I said.

Q. As to Mr. Moore, what are your objections to him?—A. The principal objection to Mr. Moore is the character of speeches that he is reputed to have made down there in canvassing.

Q. That was in politics; public speeches?—A. Yes, sir; public speeches; talking to the negroes. I do not know anything about Mr. Moore personally at all.

Q. And therefore whatever feeling prevails there against Mr. Moore is, so far as you know, because of his political demonstrations?—A. It was because of the character of speeches that he is reputed to have made there to the negroes.

Q. In political campaign?—A. Yes, sir; in political campaigns.

Q. Did you ever hear one of those speeches?—A. I never did. I never went to one of those meetings in my life.

Q. Did you ever hear anything from any speech he made?—A. Yes, sir; I have heard that he advised social equality and all that sort of thing to the negroes down in that county.

Q. "All that sort of thing"? How many sorts of things are there down there?—A. That means a good deal with our people.

Q. You said "all that sort of thing"?—A. Well, he advised them to act against the white people, and advised social equality.

Q. Are those what are called incendiary speeches?—A. I judge so, sir. I never heard one of those speeches.

Q. But you have heard in Democratic circles of the speeches of Republicans as being incendiary speeches?—A. There were a good many Republicans down there, and I have heard them talk about the character of these speeches they have heard these men make.

Q. And called them incendiary?—A. Yes, sir.

Q. And you understand that incendiary speeches are speeches that advise social equality and the uniting of the blacks against the whites?—A. Yes, sir; that is what I consider them to be.

Q. Now, you spoke of this Mr. Moore as having urged in public debate the union of the colored people against the whites. In what way did he advise them to unite against the whites—in any way besides voting at the election?—A. Well, as I stated before, he advised them that they ought to be permitted to go into white people's parlors, and to be permitted to dine with them, and to be permitted to marry white women, and all that sort of thing. That is what we mean by social equality down there.

Q. That was ahead of my inquiry. You had two heads; one social equality, and the other the uniting of the colored people against the whites. My last question has nothing to do with the social-equality branch, but with this other branch.

The WITNESS. Do you mean whether he advised them to vote against the white people down there?

Mr. EVARTS. Yes, at the elections.

A. Yes, sir; he did.

Q. At the elections?—A. Yes, sir.

Q. Was there any white man's ticket down there?—A. No, sir; I do not think there was any ticket designated by that name down there. The People's ticket was generally supposed to be the white men's ticket.

Q. Mr. Moore did not get up a white man's ticket, did he?—A. No, sir; I do not think he did.

Q. All he did in this election was to urge the people to vote against the People's ticket, was it not?—A. I did not hear his speeches, but that is what I understood.

Q. And that is what you mean by uniting the colored people against the white people?—A. Yes, sir.

Q. To vote for their ticket as against the other ticket?—A. Yes, sir.

Q. That is all. Do you consider that objectionable in politics?—A. If it is done in a proper manner, I do not. But when they go down and tell the negroes that the Democrats are responsible for earthquakes and for cotton being low in price, and responsible for this, that, and the other that are natural causes, I do not think that is legitimate or proper to be used among an ignorant class of people like the negroes of our county.

Q. Did you ever hear a Republican speech of that kind?—A. I have not heard any of them, I told you. I have heard of their making that class of speeches, and I heard of Mr. Moore's making them.

Q. Of his making a speech of that kind, that the Democratic party was responsible for the earthquakes?—A. Yes, sir.

Q. Had there been any earthquake there?—A. No, sir; but they had one in Charleston that created a good deal of talk through the newspapers.

Q. Oh, it was this Charleston earthquake he said that Democrats of Texas were responsible for?—A. That the election of Cleveland was responsible for it; that is what he charged.

Q. Do you think it made Mr. Moore a dangerous man down there to be making a speech of that kind?—A. No, sir; we never regarded him as a dangerous man.

Q. So that really at bottom you do not think that there is any justification for personal or social antagonism against Mr. Moore whatever down there, do you?—A. None further than what I have stated.

Q. You mean this political and social equality business?—A. Yes, sir.

Q. And this earthquake speech you think was a nefarious one, don't you?—A. No, sir; I do not know that I think it is nefarious.

Q. Was not that about the worst thing he said about the Democratic party?—A. No, sir; the worst thing that he did was to preach social equality down there.

Q. I mean on the political responsibility of the Democratic party for these earthquakes?—A. I have stated to you all that he said, and you can draw your own conclusions about what was the worst thing he said.

Q. But that was what impressed me most. I supposed you had had an earthquake which alarmed the people.—A. No, sir; our people don't get alarmed very easily.

Q. Not even by earthquakes?—A. We haven't had any down there. I don't know what it may do when it comes.

Q. At any rate, you are not alarmed about other people's earthquakes?—A. No, sir.

Q. You say Mr. Hackworth was hung in effigy once down there?—A. Yes, sir; it was understood it was intended for him. There was a figure hanging up on a China tree one morning in the court-house yard when people came down town.

Q. You mean in Brenham?—A. Yes, sir.

Q. When was that effigy hung there?—A. It was the last time when he was justice of the peace down there.

Q. In 1880?—A. I forget the dates of these things, but I think it was in 1880.

Q. You saw the effigy?—A. Yes, sir; I saw the figure.

Q. What led you to think it was Mr. Hackworth?—A. It was generally understood there. There was a good deal of indignation expressed at his having nearly all the town indicted for the non-payment of occupation taxes.

Q. Occupation taxes due by law?—A. Yes, sir. But the general rule had been that the collector would come and notify parties when the taxes were due, and they would settle them. But these indictments were filed without giving notice of anything of the sort.

By Mr. SPOONER:

Q. These taxes had not been paid, had they?—A. I do not know; I was not tax collector at the time. I understand that the prosecutions were all dismissed though. They were complaints filed by Mr. Hackworth, not by the grand jury. The presentation of indictments in our county must be a presentation by the grand jury.

Q. Do you know any part of the country where an indictment is not found by a grand jury?—A. No, sir; I do not.

By Mr. EVARTS:

Q. These occupation taxes were collected usually, were they, or were they left unpaid usually?—A. I do not know, sir; I have always paid mine. I have not made it my business to see whether other people paid theirs or not.

Q. Was it the general habit of the people to pay without complaint about it?—A. I think so.

Q. In some way or other suits were brought for the occupation taxes?—A. They were not suits, they were indictments—not indictments, but it is a misdemeanor in our county for a man not to pay his occupation tax when complaint was made, and complaints were filed with Mr. Hackworth; at any rate the parties were arrested, as I understood, upon warrants issued out of his court.

Q. Mr. Hackworth was a justice of the peace?—A. Yes, sir.

Q. And complaints were made before him?—A. I do not know who made the complaints, but I suppose they were.

Q. And he issued a summons, or something of the kind?—A. There was a warrant issued for the arrest of the parties.

Q. Very well. What was there wrong about that on Mr. Hackworth's part?—A. The impression was that Mr. Hackworth had gotten them up for the purpose of getting the costs that would accrue to him by reason of the conviction.

Q. Who was county attorney there?—A. Mr. Haynes was county attorney there, and he was a Democrat.

Q. But did he not make these complaints?—A. I do not know who filed them. I do not know whether he did or not. He was a Democrat though, and the man who beat Schutze.

Q. Was it not his duty, by law, to file information?—A. Yes, sir; it was his duty to do so.

Q. You have not any opinion or notion whether this attorney did his part of the duty by filing these informations?—A. I don't know whether they were filed or not. The information can be filed by anybody before a justice of the peace. It is not an information, but a complaint. Any man can go before a justice of the peace there and make complaint on oath, and the justice issues his warrant. In the county court complaint has to be made and information filed on the complaint.

Q. And it was the duty of the justice of the peace to issue his warrant if the complaint was regularly made?—A. Yes, sir.

Q. And that is all that he did?—A. That is all I know that he did.

Q. Where does the rumor come from that he was the originator of the complaints?—A. That was the impression in the community; I do not know where it came from.

Q. So far as you know, it was entirely false?—A. I do not know whether it was false or not.

Q. So far as you know, it may have been entirely false?—A. I do not know anything personally about it.

Q. Will you say, so far as you know, it may have been entirely false?—A. Yes, sir; it may have been false so far as I individually know.

Q. Do you know that the county attorney did not file those complaints?—A. I do not, sir.

Q. Do you know that that effigy was not the county attorney's instead of Mr. Hackworth's?—A. I do not, sir.

Q. Did you hear of any odium against Mr. Hackworth about the collecting of this occupation tax?—A. Mr. Hackworth was blamed for it.

Q. Was anybody else blamed?—A. Not that I heard of.

Q. The rest were Democrats?—A. No, sir; the tax-collector who furnished the information to Mr. Hackworth, or first filed the complaints, was Mr. Harvin, a Republican.

Q. But was it not the county attorney's business also?—A. Yes, sir; it was the county attorney's business if they were presented to him. If the complaints were made before the county attorney it was his business to file them.

Q. Was it not his business to do so if he knew of it?—A. I do not know whether the law imposes that duty on him or not, but I know when a party makes complaint to him of the violation of a law it is his duty to take the complaint.

Q. How long had that effigy staid there?—A. I do not know; it was taken down in a little while.

Q. No violence or agitation in the community came out of that?—A. No, sir.

Q. Have you taken an active part in the matter of this investigation and a hostile one towards the witnesses who have been brought here?—A. No, sir; I have not had any words with but one witness who has been brought here, and that was with Mr. Hoffmann.

Q. Mr. Hoffmann is now holding office out there?—A. Yes, sir.

Q. We have had him described, and also have seen him as a witness. A. Yes, sir.

Q. You have had some conversation with him?—A. I had a conversation with Mr. Hoffmann this morning for the first time.

Q. Please repeat to us now what that conversation of yours was.—A. Yes, sir; I will. I made a remark over there to Senator Eustis while he was examining, and somebody remarked that Mr. Hoffmann was an active Republican. I said that he was a Democrat, and Mr. Hoffmann said it was a lie; and I told him that he would not go out of this committee room and say so, and he started out with me, and my friends at the door said not to have any trouble with him here, and I told them all right, I would not do it; that is the conversation that occurred between Mr. Hoffmann and myself.

Q. So that happened in this room?—A. Yes, sir; this morning.

Q. It happened in this committee room?—A. Yes, sir; it was here this morning. When I spoke to Mr. Eustis, there, I was suggesting to him when they were questioning the other witness, I suggested that Mr. Hoffmann had been a Democrat in our county, and he said something, and I went over and asked him what he said, and he said if I said so it was a lie; and I told him that he would not go outside and say that; that I did not propose to raise any row in the committee room, and I went out of the door.

By Mr. SPOONER :

Q. What else did you say to him?—A. That is all I said to him. I said to him that I did not propose to have any difficulty with him up here. That is what I said.

By Mr. EVARTS :

Q. We will go on. Did this matter begin by Mr. Muller, who has been examined, making a remark that the assessor, Mr. Hoffmann, was not a Republican?—A. I do not know whether it was a question you asked him or Mr. Muller. But it was in Muller's testimony that I remarked to Mr. Eustis, while he was testifying, that Mr. Hoffmann was reputed in our country to have been a Democrat at one time, and Mr. Hoffmann said something and I walked over and asked him what he said, and he said that I did not know that he was a Democrat, and I said something about an occurrence that had taken place and he said it was a lie.

Q. Who did you say this to?—A. I said it to Mr. Hoffmann.

Q. Now go on.—A. I said that at a meeting in our country, where a negro named Joe Clay was permitted to take part, that Hoffmann was acting as secretary, and he said he would not stay in any meeting where a negro was allowed, or something of the sort, and that was what I alluded to.

Q. You said that?—A. I told that to Mr. Hoffmann. He said I did not know that he had ever been a Democrat, and I asked him what he was when he said that, and he then said it was a lie, and I told him if he would go outside of this committee room he would not say so.

Q. Were you at this meeting where you say Hoffmann said that he would not vote in a meeting where Joe Clay was allowed to vote?—A. I was not.

Q. You did not repeat this then to Mr. Hoffmann as a thing you knew?
—A. I repeated it to him as information I had from a truthful gentleman.

Q. How did you express yourself, I want to know? You did not say you had obtained the information from a truthful gentleman, did you?
A. I mean that the man whom I had my information from was a truthful man.

Q. You did not mention that to Mr. Hoffmann?—A. No, sir; I did not say anything to Mr. Hoffmann except what I say to you. I simply asked him the question. I said, "What were you when you refused to stay in the meeting with Joe Clay?" or something of that sort. And he said, "If you say so, you are a liar," and I told him that he would not say so outside of this committee room.

Q. That is what he said, that "If you say that you are a liar?"—A. Yes, sir.

Q. Had you said that?—A. I had not said I was present.

Q. Did you say so afterwards?—A. No, sir; I did not.

Q. Now, what did you reply to him when he said so?—A. I simply told him that if he went outside of this committee room he could not call me a liar. That is what I said, about.

Q. Is that all you said to him?—A. That is all I said to him, and I walked out and he followed me.

Q. Didn't you ask him to come out of the committee room?—A. No, sir; I said to him, "You won't go outside of the committee room and call me a liar." That is what I said to him.

Q. Didn't you ask him to come out of the committee-room and say you would whip him?—A. No, sir; I did not; I did not say anything of the sort to him.

Q. Did he go out with you?—A. He did.

Q. Didn't you shake your cane in his face?—A. I did not, sir.

Q. Did you do nothing?—A. I went out there, and as I got to the door, some of my friends followed us out there and remarked, "Don't have any trouble up here." "Very well," I said, "I will not."

Q. You say you did not shake your cane in his face?—A. I did not.

Q. You did not say anything further?—A. I did not.

Q. Did you say to him "Wait until I get you back to Texas"?—A. I did not.

Q. Nothing of the kind?—A. No, sir; I told him I would settle with him when I got home; that I did not propose to have any trouble with him here.

Q. But I ask you, did you say to him, "Wait until I get you back to Texas"?—A. I did not.

Q. What did you say on that subject?—A. I just simply said that we could settle this matter when we got home.

Q. That was the phrase you used?—A. Yes, sir.

MR. EVARTS. Very well; you have had your say about it, and we will see how it was. That is all.

TESTIMONY OF F. A. ENGELKE.

F. A. ENGELKE, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your name?—Answer. F. A. Engelke.

Q. And your age?—A. I am fifty-three years old.

Q. Where do you live?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in Brenham seventeen years.

Q. What is your business?—A. I am president of the First National Bank there.

Q. How long have you been president of that bank?—A. I believe about four years.

Q. What was your business before that?—A. I had a private banking business of my own there, a private house.

Q. What are your politics?—A. I am a Republican.

Q. How long have you been a Republican?—A. Just as long as I am in the United States, and I was a Republican before I came here too.

Q. What local ticket did you support at the last election?—A. The People's ticket.

Q. Were you one of the signers of the call to get up this People's ticket?—A. I was not a signer, but I approved it afterwards; after it was formed I approved it; I believe I signed it then.

Q. You voted for it?—A. Yes, sir.

Q. What was the reason that People's ticket was formed?—A. On account of bad administration of the Republican party.

Q. The local administration?—A. Yes, sir; the local administration. The money was stolen, and the people were not satisfied with those officers.

Q. Was there a good deal of dissatisfaction with the local administration among prominent Republicans?—A. Yes, sir.

Q. Among the best men, the men of property?—A. Yes, sir.

Q. And men interested in good government?—A. Oh, yes, sir; they all wanted good government.

Q. Were there many of your acquaintances who took the same view of this as yourself?—A. Yes, sir; a good many.

Q. German republicans?—A. Yes, sir.

Q. Men of prominence in the community?—A. Yes, sir; most all of them; nearly all of them went with them; they were dissatisfied.

Q. You knew you were voting for some Democrats on the local ticket?—A. Yes, sir; we did.

Q. And you, a Republican, voted for a Democrat?—A. Yes, sir; I never would vote for a Republican if I knew that a Democrat was the better man.

Q. How did you vote on the national ticket?—A. Mostly always the Republican ticket. The last time I don't know whether I voted at all.

Q. You say you have a good many friends who are Republicans?—A. I have.

Q. Do you know of any reason why a man should leave that community simply because he is a Republican?—A. I did not see any necessity for anybody who was a Republican leaving there; I do not know of any necessity.

Q. His personal or business relations are not interfered with on account of his politics?—A. No, sir; not at all; I do not know of any case at all.

Q. Do you know what is the general reputation and standing in that community of S. A. Hackworth?—A. His reputation is not good.

Q. Do you know anything about the reputation and standing of Mr. Schutze?—A. I think it is mighty low; that is what it is.

Q. Do you know anything about the reputation and standing of Mr. J. L. Moore?—A. No; I cannot tell you much about Mr. Moore,

By Mr. EVARTS:

Q. As I understand, you voted for the People's ticket. On the Republican ticket that you voted against, C. C. Lockitt was the candidate for district attorney. Do you know him?—A. Yes, sir; I do.

Q. Is he a good man?—A. Yes, sir; he is a good man.

Q. As good as anybody?—A. I do not say the best man yet. Even with the best of them I think I saw some better. But C. C. Lockitt is a good man; that is all I know.

Q. Is not Lockitt a Republican?—A. I believe he is.

Q. For district clerk, J. C. Hewett. Isn't he a good man?—A. I hardly know him.

Q. For county assessor, Joe Hoffmann?—A. He is a good man; oh, yes, sir.

Q. Everybody knows that there?—A. Yes, sir; he attends to his office well.

Q. For county collector, William Ehlert; isn't he a good man?—A. Oh, yes, sir; he is a good man.

Q. For sheriff, Paul Fricke; isn't he a good man?—A. He is.

Q. For county treasurer, T. J. Lockitt; wasn't he a good man?—A. Tom Lockitt? Yes, sir; he is a good man.

Q. And those are all Republicans?—A. Yes, sir; they are all Republicans.

Q. So your voting against them was not because they were bad men?—A. Oh, no.

Q. But you voted the ticket of the people, which the new organization had gotten up?—A. Yes, sir; but I had some reason to vote for them, because they were more competent than these people.

Q. You say you had been in the habit of voting on local questions (although you were a Republican) for what you thought was the best man?—A. Always.

Q. For local offices you mean?—A. Yes, sir.

Q. Did you scratch the People's ticket and put on any of these good men that I have spoken of?—A. I did not, because, for the reason, as I said before, that the candidates on the People's ticket were more competent than these people.

Q. More competent than these men I have named?—A. Yes, sir; they were more competent on the People's ticket; I think they were more competent.

Q. All of them?—A. Yes, sir. Joe Hoffmann, I don't say anything about him, that other men were more competent, but he could have saved us all the trouble. We invited him to come on our side but he would not do it.

Q. Who ran on the People's ticket against C. C. Lockitt?

Mr. JODON. Mr. Ragsdale.

The WITNESS. I believe so.

Q. Was he better than C. C. Lockitt?—A. From what I heard, yes.

Q. How about the district clerk, J. C. Hewett; who ran against him?

Mr. JODON. Charlie Herbst ran against him.

The WITNESS. Herbst was undoubtedly more competent for that office than Hewett was.

Q. And in regard to the county clerk, C. C. Bryan?—A. The same reason.

Q. And the county assessor, Joe Hoffmann; who ran against him?—A. Well, for the reason I said before; Joe Hoffmann, I think, is just as competent as any of them, and we invited him to run, but he would not do it.

Q. You mean on the People's ticket?—A. Yes, sir.

Q. He ran on the Republican ticket?—A. Yes, sir.

Q. Who ran against Paul Fricke for sheriff?—A. Mr. Dever.

Q. Which was the best of those two?—A. Mr. Dever, positively. Mr. Dever is more fitted to fill the office than Mr. Fricke is.

Q. Mr. Fricke looks like a good man for sheriff.—A. Yes, sir; but he never had that position before. Mr. Dever is better known in that neighborhood.

Q. What was the objection to Mr. Schutze as a Republican; what did he do in politics that was wrong?—A. I can't tell you much about Schutze. I had nothing to do with him, and did not associate with him at all.

Q. So that you do not speak of your own knowledge in regard to anything against Schutze?—A. No, sir; I had nothing to do with him at all.

Q. And Mr. Moore you do not know anything about?—A. Yes, sir; I know him. He did business in our bank. I have nothing against him at all.

Q. Was he a man of high character?—A. Since he quit office he was not very successful; he was farming.

Q. He was not successful in business?—A. No, sir.

Q. Do you know of Mr. Moore's high position in the Masonic fraternity there?—A. I do not; I am a Mason, but I do not belong to the Brenham society.

Q. Do you know what a blue lodge is?—A. Yes, sir.

Q. That is a high lodge?—A. I never visited the lodge at Brenham and never affiliated there.

Q. Was he not chief of the fire department there?—A. Yes, sir; he was.

Q. Did you ever hear anything against him at all?—A. No; I cannot tell anything against Mr. Moore at all.

Q. You know about the raiding of the ballot-boxes at the last election?—A. Yes, sir.

Q. After the killing of Bolton and this hanging of the colored men, do you think the state of things was such that Hackworth, Schutze, and Moore, who were active Republicans, could live there in peace and pursue their calling as well as other people?—A. I believe they could.

Q. Why did they leave then?—A. I cannot tell why they left. They said they received letters notifying them to leave.

Q. They did not want to leave, did they?—A. I do not know. Well, I would not live there if I was in their fix.

Q. You would leave?—A. Yes, sir; I would leave.

Q. They left for good reasons then?—A. Yes, sir; they had good reason, for nobody hardly liked them very much. They would not be wanted in any society; they stood mostly by themselves. If the people do not want me, I would leave; I would not stay in the country.

Q. Was this after the election or before?—A. No, sir; it was the same before.

Q. But they did not leave before?—A. Well, they could stay there now and nobody would interfere with them. But if the people do not like me where I live, I would try and go away as quick as possible; I would not stay.

Q. You think these three men were in that fix?—A. Yes, sir; they were in that fix with the better class of people; they had no society.

Q. And was not the better class of people there the Democrats?—A. Well, there are right good people Republicans, too. The Democrats are just as good there as anywhere.

Q. Did you understand this People's ticket to be a white man's party ticket?—A. No, sir; I did not understand it was.

Q. Are you in favor of a white man's party in local politics?—A. I am always, down in our country, because the colored man, he is not educated enough, and he should not represent the white men, because he has got no education.

Q. That is your opinion about it?—A. That is my opinion.

Q. And you are in favor of having a white man's party down there?
A. Oh, yes, sir.

By Mr. EUSTIS:

Q. And you are a strong Republican?—A. I am.

TESTIMONY OF E. REICHARDT.

E. REICHARDT, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your age?—Answer. I am fifty-three years of age.

Q. Where do you live?—A. I live in Brenham at present.

Q. How long have you lived there?—A. Since 1873, I think.

Q. What is your business?—A. I have got a business in town, a furniture house business and other business besides. I live out 3 miles from town on my farm.

Q. What are your politics?—A. In politics I am a Democrat.

Q. How long have you been a Democrat?—A. I voted for Pierce and Buchanan, and after the war I could not vote for anybody else. I voted the Democratic ticket all the time.

Q. Do you know Mr. S. A. Hackworth?—A. Yes, sir.

Q. How long have you known him?—A. Since the time I was in Brenham.

Q. What is his standing and general reputation in that community?—A. Well, his standing might be good with somebody; with me it is not much.

Q. I speak of his general reputation?—A. It is not very great.

Q. I do not ask you whether he is a great man; I want to know about his reputation?—A. It was not very good in regard to business ways. I speak as a business man. He never pays his debts except he is forced to do it.

Q. You mean his credit is not very good in that community?—A. Nor his other standing.

Q. His credit and his other standing you say is not good?—A. Not with a good many people; it may be good with some.

Q. What is the general reputation and character of Mr. Schutze?—A. Well, it is about the same thing.

Q. Give us a little more definite idea if you can?—A. Well, I had for years no dealings with Mr. Schutze except last year when I took his paper for a year. Schutze is about the same way. He gets into anybody and tries to evade paying, and in regard to his social standing he has none.

Q. Do you know anything about Mr. Moore?—A. Mr. Moore is a good man except he left Brenham without paying his debts.

Q. In old times it was said people went to Texas to avoid paying their debts?—A. Yes, sir; and a good many come there.

Q. Do you know anything about the circumstances of Mr. Hackworth, Mr. Schutze, and Mr. Moore leaving there?—A. Yes, sir; I found that out.

Q. From what you know, do you think there is any reason for their leaving?—A. No, sir; none in the world. They could have been there just as quietly and as well off as anybody. But all those parties were deeply involved in debt, and they had no source of making anything, and that was the last recourse they took. None of them was a producer, nor did he do anything to make a living.

By Mr. EVARTS:

Q. Have you any objection to Mr. Moore as a citizen down there, except that he did leave without paying his debts?—A. No, sir; I have not.

Q. He left pretty suddenly, did he?—A. No, sir; he did not; he had plenty of time to prepare to go. There was not even the least idea of anything against Mr. Moore; none.

Q. In character you mean?—A. In all.

Q. In your opinion there was nothing against his character, but you do say that he went off without paying his debts?—A. Yes, sir.

Q. Do you make that a fault in him, that he went off without paying his debts?—A. Of course. If I am an honest man I will pay my debts. That is the great thing in mercantile life.

Q. If you thought your life was in danger and you remembered that you had not paid your debts, you would stay there and take it, wouldn't you?—A. Mr. Moore was there every day——

Q. I did not ask you if you thought he was in danger, but I ask you if a man thinks his life is in danger and he remembers that he has not settled up all his debts, you think he should stay until he pays them?—A. I do not know.

Q. You think if his life is in danger he should stay there until he has paid off his debts?—A. Maybe so.

Q. If you had been warned that unless you left by to-morrow night you would be hanged, you would not stay and pay your debts would you?—A. Mr. Moore had plenty of time——

Q. I do not ask you that. I ask you if you were warned that if you staid there over night you would be hung, you would not think it was a fault that you had gone off without paying your debts?—A. I do not know.

Q. You do not know even that?—A. No, sir; I cannot answer that question.

Q. Your view of the sacredness of debt is such that if a man was going to be hanged if found there, he ought to stay there and pay his debts?—A. Well, that is not the meaning I want to give.

Q. I ask you that very question. Do you think it is a fault in a man that if he was told if he did not leave before to-morrow night he would be hanged, would you consider it a fault that he went off without paying his debts?—A. No, sir; I do not.

Q. What makes you think that these three gentlemen could have staid there in that community just as well after the excitement caused by the killing of Bolton and the hanging of these colored men?—A. Well, there was no excitement with us; everything was quiet and peaceable. I saw all these men walking about for weeks, and saw them the last days they were there. I saw Mr. Schutze come back two weeks after he had left, and he was in town all day going from one house to the other.

Q. You think these men could be there now?—A. Yes, sir; I do.

Q. And be just as safe?—A. Just as safe as anybody.

Q. That is your judgment?—A. That is my judgment, honest.

Q. How do you account for it that they took such a different view of the matter, that it was necessary to go off?—A. I think they done it because their own conscience had told them that they might not be wanted there, and that is the only reason, and then as they had no business and nothing in the world to make anything out of, they left.

Q. You think then it was because their consciences told them perhaps that they would be in danger?—A. That is what I think; that is what I presume.

Q. Don't you think their judgment about their danger was better than your judgment about their danger?—A. Maybe so.

Q. Mr. Schutze is a German, and is well known in that community of Germans, is he not?—A. Yes, sir; I think so.

Q. He is known as a prominent German?—A. No, sir; he has never been prominent amongst anybody.

Q. Have you a German celebration out there annually called the Volksfest?—A. It has been years ago; yes, sir.

Q. It has been discontinued?—A. Yes, sir.

Q. Do you remember about 1878 or 1879 of Mr. Schutze being the favorite orator selected for those meetings?—A. It may be so.

Q. Don't you know anything about it?—A. No, sir; I had nothing to do with it.

Q. You took no part in it?—A. I took part in the festival, but I don't know that I had anything to do with Mr. Schutze's being selected as speaker.

Q. But was he speaker there?—A. I know he has been speaker there.

Q. Was he not the principal speaker there?—A. Well, he speaks very well if he is well prepared.

Q. How large is this gathering of the Germans there on this Volksfest?—A. It is not a German Volksfest; it was a festival for the whole people.

Q. Wasn't it called the Volksfest?—A. Yes, sir.

Q. How large was the collection of people at this Volksfest?—A. Well, pretty nearly everybody out of the city, and maybe from the surrounding neighborhood.

Q. Several thousand in all?—A. Maybe so.

Q. And that included Republicans and Democrats?—A. Yes, sir; all classes of people—Germans, Americans, and everybody.

Q. Colored people and all?—A. If they were well dressed they could come in there.

Q. They did come in, did they not?—A. I suppose they did; I do not know.

Q. You were there, were you not?—A. I was there and I was not there. I was there; I went out and went back.

Q. Whether there were any colored people there or not you cannot say?—A. No, sir.

Q. Don't you know that Mr. Schutze was the appointed orator for this Volksfest?—A. Maybe so; by the committee, I think.

Q. Granted; but he appeared there. Was there any objection to him or dissatisfaction with him?—A. I do not know.

Q. How could the committee appoint such an orator for such a great gathering if he stood, in their opinion, as you now say that at this time you look upon him?—A. Well, he must then have been in a better stand-

ing with his fellow-citizens at that time. It must have been eight or nine years ago, and I think he had a good many friends at that time.

Q. Do you remember going on Mr. Hackworth's bond when he went into office?—A. Yes, sir; I think I gave that.

Q. When was that?—A. It must have been six years ago, maybe.

Mr. JODON. Wasn't it in 1884, as deputy assessor of taxes?

The WITNESS. Maybe so.

Q. What was the amount of your bond?—A. I do not know; Mr. Hackworth ought to know.

Q. Two thousand dollars is suggested; do you remember that? You did not hesitate to be his bondsman, did you?—A. Well, there was in no way any responsibility. Hewas a deputy assessor for Mr. Hoffmann, assisting, and he always tried to make friends with me, in some way, and I was not then as determined to shake off such men as I have been since the last three or four years.

Q. You did not think you would have to pay the \$2,000, did you?—A. There was hardly any chance to do that. He did not handle any money whatever.

Q. You were not called on to make good any surety?—A. No, sir.

Q. Nor did you know of anybody being called in to make good any of Mr. Hackworth's responsibility?—A. No, sir, except my own house. He owes me money now.

Q. What is this debt that he owes you? Let us know all about it.—A. I suppose it has been about two years ago. I am not in the business much, but I go in once in a while, and I find him on the book charged for some fifty or sixty dollars I think, but he paid a little amount since.

Q. How much did he pay on that?—A. I don't know, sir. I know he owes now a little amount, but that was because when Mr. Hackworth left my partner told me he turned over some goods that he had, or a relation of his from whom Mr. Hammond recovered a portion of it, maybe. I don't know much about it, but he owes some on the account.

Q. That is, when Mr. Hackworth left he still owed your house some part of this fifty dollars?—A. It was, maybe, more than fifty dollars.

Q. You ought to know something about it if you say a man owes you money?—A. I know that he owes me now. Some part of it was paid, but he went off in my debt, I believe.

Q. How much does he owe you?—A. I did not ascertain.

Q. Is it as much as \$20?—A. I do not know, sir. It may be more or less; I do not know.

Q. At any rate it is enough to enable you to speak to the injury of this man's reputation in regard to his debts?—A. No, sir; I speak of his whole behavior in the last several years, inciting and collecting the colored element together.

Q. You have not said anything of that kind before; you said that he was low in credit by not paying his debts?—A. Well, sir, I cannot say otherwise.

Q. Now, what is it based on?—A. It is based, maybe, on public opinion.

Q. No; the debt to you?—A. It is based on my own experience.

Q. Some of it was left unpaid you say when he left town, and that is the whole story, is it not, so far as your debt is concerned?—A. I do not know.

Q. You ought to know something about it if you are injuring a man's reputation based on this debt. Don't you know what the debt was?—

A. Well, it went up here in the bill with the other evidence; I don't know the exact amount.

Q. And you do not know how much was due when he left?—A. No, sir; I do not.

Q. Do you know whether it has all been paid since?—A. It was not paid when I left.

Q. Are you ready to swear to that?—A. My partner told me so the very morning when I left.

Q. But how much it is you do not know?—A. No, sir.

Q. Don't you know that Mrs. Hackworth has paid all that debt since her husband left there?—A. I do not.

The subcommittee then adjourned until Saturday, February 26, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *Saturday, February 26, 1887.*

The subcommittee met, pursuant to adjournment, at 10.30 o'clock a. m.

TESTIMONY OF HARRY HAYNES.

HARRY HAYNES, having been duly sworn, was interrogated as follows:

By Mr. PUGH:

Question. Give your full name and place of residence.—Answer. Harry Haynes; I live at Independence, Washington County, Texas.

Q. How long have you resided there?—A. I was born there, and never have lived elsewhere.

Q. About how old are you?—A. I am thirty-seven years old.

Q. What is your occupation?—A. I am a farmer.

Q. Were you present at Brenham when they had the citizens' meeting?—A. Yes, sir.

Q. What was the cause of that meeting; for what purpose was it held?—A. It was held more as a conference meeting than anything else, to determine what action the people would take with reference to the result of the election that had just been held, and to perfect harmony and concert of action; to discuss the situation generally.

Q. What were the objects that were intended to be accomplished by that meeting; were they lawful or unlawful; state the purpose of it.—A. It was lawful in every respect. We were there in the interest of law and order. It was currently reported throughout the country that there were lawless mobs or bands of people who intended to control the result of the election by force. That being the case, the law-abiding people of the county concluded that it would be best to consult together and to adopt some means to prevent any disturbance.

Q. What was the character of the people who assembled there?—A. It was the most essentially representative body that I ever saw convened on any occasion or for any purpose, in Washington County. It was composed of bona fide citizens irrespective of party, nationality, color, creed or otherwise, and there were Republicans, colored people, Democrats, Independents, and people of all political shades of opinion.

Q. They were a representative body of the people?—A. It was so regarded, and it was so strikingly so that it excited general comment in the press of the county and the adjoining counties.

Q. What expression of feeling was given by that meeting while they were in session; what was the character of the speeches, if there were any?—A. There were several speeches made which were distinguished for conservatism, the result of which was that we determined we had achieved the victory and would hold to it.

Q. What evidence did you have that there were any persons organized in the county to prevent the lawful result of the election from being recognized and enforced?—A. Well, in some parts of the county I suppose they had ocular evidence of it, but in my section of the county we had nothing more than current rumor. We were connected by telegraph and telephone with other sections of the county, and through this medium of communication we had been informed that in the eastern part of the county these insurrections, riots, rebellions, or whatever you choose to term them, were being organized. I suppose in the eastern part of the county these things came under the observation of individuals, but in my part of the county we saw nothing of the sort, except that the town in which I live, a village situated 15 miles north of Brenham, was entirely deserted by the male colored population. It was a notorious fact that for twenty-four hours not a negro man was seen in the town, nor scarcely any who were able to go away at all.

Q. At what point was that?—A. At Independence. The women were very closely housed, but the men had all gone, and we have never been able to find out just exactly where they went. The supposition with us was that they had gone to the eastern part of the county to join these mobs that were being organized. We have no positive evidence, however, to that end. There were usually a good many colored people in our town, but for twenty-four or thirty-six hours we did not see a colored man there at all, and that confirmed the rumors we had received that these mobs were being organized in different parts of the county.

Q. Whether that was true or false, was the apprehension general and well founded in belief; did the people just affect to believe that, or was the apprehension of danger real?—A. I never saw people more serious in my life. If they were joking about it, they acted the hypocrite most consummately I must say. There was great distress among the women of the country. The men are not easily frightened, but they were distressingly serious on the subject. You asked me about the character of the speeches. I would like to go back and speak about them.

Q. My question was as to what speeches had been made at that meeting?—A. Colonel Giddings, who delivered, I suppose, the leading speech, advised the people to be prudent, discreet, and cautious, and to hold to what they had gained, but to resort to no acts of violence. That was about the character and substance of his speech.

Q. There was no man at that meeting who was more influential with the people who attended the meeting than Colonel Giddings?—A. No, sir; he was decidedly the most influential man there, I suppose.

Q. He is a large property-holder, is he not?—A. Yes, sir; he is one of our wealthiest citizens, and a banker.

Q. What positions had he filled; what public trusts?—A. I do not know that he had ever filled any, except that he had served two or three terms in Congress.

Q. When had he served those people in Congress?—A. Washington County was in his old district, or was in 1874, I believe. It was the fifth Congressional district of the State, and Washington County is still the old fifth Congressional district, though it is in district number nine now.

Q. You say that was the character of the counsel Colonel Giddings gave at that meeting?—A. Yes, sir.

Q. Was there anything in the speech which you heard from Colonel Giddings calculated to excite any resort to violence or any breach of the peace?—A. Well, I can answer that question with more than ordinary confidence. If he delivered a single sentence or used a word or phrase that was calculated to stir up any bad blood it has entirely escaped my memory, and more than that, it did not create any such impression on me at the time. It was remarkably conservative, more so than any speech I have ever heard Colonel Giddings deliver, and I have heard him deliver hundreds I suppose in the course of my life. He is not regarded as an archangel in our part of the world; he is a man with plenty of temper, aggressive and bold, and in his public discussions is a very aggressive talker. But on this occasion he was very lamblike and submissive, and his voice was altogether for peace, and he so stated it. I think I had better state the feelings of the man when I state this publicly. It created some surprise, the conservative spirit of the speech; I know it created some surprise.

Q. The effect of it was to allay, you say, any spirit or feeling other than that of keeping the peace, preserving order, executing the laws, and respecting the rights of everybody?—A. Yes, sir; that was the character of it.

Q. Who else spoke at that meeting?—A. There were some six or seven short speeches delivered. I believe I was called on next to Colonel Giddings, and perhaps made the longest speech that was delivered, his speech excepted. I may have talked longer than Colonel Giddings; I do not remember about that. I was the second speaker, I believe, Judge Kirk.

Mr. KIRK. I think you were.

Q. Will you give the character of the speech that you made, its purpose, and what you intended its effect to be, and so on? Without repeating what you said, just state what the general character of the speech you made was.—A. My object was to follow up the impression that Colonel Giddings had made. I was for peace, and only exhorted the people to hold to what they had achieved; that we had fought the fight, had achieved the victory, and should hold it. That was about the substance of what I said. It was in line with Colonel Giddings' talk, and was intended to create the same sort of impression, which I think it did. I used some language in that speech which has been the subject of some of the testimony which has been taken, and I would like to state that I am reported to the committee as having said that my voice was for war. Well, that is pretty strong language, taken entirely out of its connection, but the connection in which that expression was used was about this: That after this meeting had been called by the citizens, which was some twenty-four or thirty-six hours, I received notice before the meeting convened of a certain matter. I had heard of these outrages, insurrections, mobs, or whatever you call them—I think the word mob would convey the most accurate idea of the character of those meetings held in the eastern part of the county—and I said in that speech, when I heard of those mobs being organized in the county, that, if their expressed intention was to slaughter and slay the people of the county, that my voice was for war. But when I heard these reports contradicted I said that I intended to attend that meeting upon a mission of peace. That expresses my views and the way I happened to use those words on that occasion; that, having heard of these insurrections in the other parts of the county, my voice was for war, but since those reports were contradicted, I said I intended to attend that meeting upon a mission of peace. I hope I make that clear to the com-

mittee. I would like for them to get it exactly right, as it has been misapprehended by witnesses who have been before the committee heretofore.

Q. Who was the next speaker after you?—A. I cannot name the speakers in the order in which they were called.

Q. Did Judge Kirk speak?—A. No, sir; he was not the next speaker.

Q. Did he speak at that meeting?—A. He was called on, probably, the third man to speak, but he declined to talk, and Mr. Brian talked, and Mr. Searcy talked, and Mr. Felder, from Chapel Hill, made a talk, and, I think, two or three others made short talks, substantially indorsing the speeches that had been delivered by Colonel Giddings and myself. That was about all. That is my recollection; if there were any other speeches made, except to just indorse the sentiments they had expressed, I have no recollection of it, except that Mr. Felder digressed to say that he thought Judge Kirk had made a very brilliant campaign, and had worthily won his honors, or something of that sort, which had no effect on what the meeting was called to produce.

Q. Now, in reference to the purpose of that meeting, did anybody in it go so far as to propose to drive any one out of the county, or take any steps to do so, to tell any one to leave? What have you to say about that?—A. No, sir; there was nothing of that sort attempted.

Q. What do you know about these persons being compelled to leave, or required to leave, or notified to leave?—A. Oh, it was altogether voluntary on their part.

Q. What reason have you for saying so; why do you make that statement?—A. So far as Mr. Schutze is concerned, I do not know what motives he had, or what his intention has been heretofore. I speak now with reference to Mr. Moore and Mr. Hackworth. Last spring I was at the Pennington Hotel in the town of Brenham, and Mr. Moore drove up in front of the hotel with a load of vegetables. I believe at that time he was engaged in the market-garden business. He had been a man that I had known somewhat intimately, and I stepped on the gallery, being somewhat surprised to see him selling vegetables, and had some words with him. I asked him what he meant by that. "Well," he says, "this is the way I have to make my living." I used some expression, such as "How are the mighty fallen!" and asked him if he expected to continue that, and he said "No, Haynes, I cannot see how I can make a living here, and I have made up my mind to go to California." Just what else occurred in the course of that conversation I have no recollection.

Q. That was at what time?—A. That was last spring; that is, the spring before the election. He told me then that as soon as he could dispose of his property there to any advantage (he did not state any time), that he expected to go to California. Last summer, a year ago, in August, I was with Mr. Hackworth, and we were invited to deliver speeches down in Austin County. At that time there was a local option contest pending in one of the magistrate's beats of Washington County, and we had been invited down there to deliver speeches in that election. On the way down we talked about a great many things, and when we got in the vicinity of Wallace, where the speeches were to take place, he began to talk about his speeches down there to a large number of negroes that he had colonized. He was agent for large tracts of land, and he expected to colonize there, and he told me on that occasion that he expected to dispose of that property and settle down in Fort Bend County, or Austin County, near the line, as soon as he could dispose of his property in Brenham. So I say that as far as Mr. Moore and Mr.

Hackworth are concerned, their forcible exile is in obedience to a plan long matured and quietly expressed to me. If I have violated the proprieties of a private conversation in giving this testimony before a committee, I ask the pardon of those gentlemen in doing it; but that is the way it occurred, as far as I recollect.

Q. Did you ever have any notice of a movement by any individuals or body of people in Brenham to drive these men out of the county?—

A. No, sir; I never did.

Q. Or to tell them to leave?—A. No, sir; I never heard of any movement of the sort at all.

Q. Is there anything else you think of which you would like to state? Do you know the general character or standing of Mr. Moore, Mr. Schutze, or Mr. Hackworth in Washington County or in the neighborhood where they live?—A. A man could hardly live in Washington County and not be familiar with the character of this famous trio.

Q. What was that character?—A. Well, it was not at all like Cæsar's wife. They did not stand well among the masses of the people there.

Q. Why was it that they had that standing among the people where they lived; what gave them that character.—A. As far as Mr. Moore is concerned, I think his want of standing was owing altogether to his devotion to the worst element of the Republican party in that county. Some of the very best people in our county there are Republicans, but Mr. Moore's affiliation was not with that character of people in the Republican party; it was with the scapegoats and ragamuffins, and the worst element of the party there; I think his want of standing in the county there was owing to that. Mr. Schutz was a man notoriously immoral, and his character was bad, and he was in disrepute in a great many ways. I do not know that I can specify and say just exactly what, unless you would permit me to go into the details of some affairs which the committee would not probably like to hear, in regard to his marriage and final separation from his wife, and the causes of that separation, and the great indignation manifested on the part of his wife's relatives. All those things would be enough to disgrace a dog if the details were brought out. But I only know, generally, that his German fellow-citizens, irrespective of their party, have no great respect for him or confidence in the man. These things are general and I cannot specify. Mr. Hackworth, I think, was a man of little or no standing there socially, politically, or financially. I understand that his credit was bad, and I know that he did not have the respect of the respectable people of the county, including his own relatives, his blood kin; that they denounced him in unmeasured terms, and severely, and did not hesitate to do so. These parties had all been in the administration of affairs there during our worst days, when embezzlements and defalcations and high taxes were being thrust upon the people, and the odium that surrounds these men is worse now from the fact that they left the county with a debt of twelve or fifteen thousand dollars, with its scrip sometimes down to forty cents and never higher than fifty, with no internal improvements going on whatever; and after the administration of the affairs of the county fell into the hands of the respectable, good people of the county, in two years, with the same rate of taxation precisely, they paid off this debt of \$15,000, built \$12,000 worth of bridges and had done several thousand dollars worth of work on the roads, besides carrying the scrip from forty cents up to par. Thus under the two administrations, the thing was so patent that it brought the whole thing into disrepute there; it argued inefficiency, dishonesty, and the misappropriation or misuse of the county funds.

By Mr. TELLER:

Q. When was this meeting, which you speak of, held—what day of the month?—A. It must have been held about the 4th, 5th, or 6th of November. It was a few days after the election.

Q. What day of the week was it held?—A. I believe it was Wednesday; I cannot say positively, or it might have been the same week of the election. The election was on Tuesday, and this meeting was held either Thursday, Friday, or Saturday.

Q. It was held during the week?—A. It was held a few days after the election.

Q. How was it called?—A. The call was published through our newspapers, if I am not mistaken.

Q. Have you a copy of the call with you?—A. I have not.

Q. Did you ever see it?—A. Yes, sir.

Q. Who prepared the call?—A. I am not able to say.

Q. Give us, as near as you can recollect, what the call was?—A. The call just contained a notification of the result and state of feeling.

Q. What did it state the result of the election was?—A. That it had been a victory for the People's ticket.

Q. That had not been declared by the county officers, had it?—A. No, sir; I think not at that time, though it is possible that it had, but I do not think the returns had been canvassed at that time.

Q. The result was subsequently declared?—A. Yes, sir; subsequently declared.

Q. Were the returns all in when this meeting was held, or when this notice was given?—A. I suppose so.

Q. At any rate the notice declared that there had been a victory for the People's ticket?—A. Yes, sir.

Q. Was the notice in the papers signed?—A. I do not think it was signed at all; if it was I do not remember the names.

Q. It was a newspaper call?—A. Yes, sir.

Q. Was it not the editor of the paper who called it, really?—A. No, sir; it was the citizens of Washington County. It read like this, or to this effect: "To the citizens of Washington County: You are hereby requested to meet at Eldredge Hall," at a certain time.

Q. That notice was published in a Democratic paper?—A. Yes, sir; it was published in the Banner. I did not see it in the German paper, but I suppose it was published in there also.

Q. Is the German paper a Democratic paper?—A. No, sir; it is a Republican paper.

Q. You say the very cream of your society was present at this meeting, the very best people?—A. Yes, sir; I say it was the best people.

Q. All the good people were there?—A. So far as I know they were.

Q. How many in all were there?—A. I suppose two hundred and fifty, perhaps more and perhaps not quite so many.

Q. Where were those people from, mainly?—A. They were from every section of the county; I do not think there was any neighborhood but what had some representative there.

Q. Including some from Independence?—A. Yes, sir.

Q. How many from Independence?—A. I cannot say exactly, but I suppose six or eight.

Q. Name any who were there from Independence besides yourself.—A. I could not name who were there; I remember two or three.

Q. Name who were there, if you remember.—A. Well, Captain Clay was there; and Mr. Horsden was there, a large planter; Mr. Robinson,

another large planter; and Mr. Davidson, a planter and stock-raiser; and Mr. Owen, a planter and stock-raiser, and others I do not remember.

Q. Were any of the officers of the election there, those who presided at that election at Independence?—A. I am not able to say.

Q. Were you at Independence the day of the election?—A. Yes, sir.

Q. Were you an officer of the election?—A. No, sir. I think Mr. Seward was the presiding officer, and Mr. Oscar Seward was one of the clerks, and a man named Burt was one of the clerks, or a judge. Those three men I remember. Then there was a colored man named Mose Bird. I do not remember who the others were.

Q. Were any of those persons at this meeting?—A. I think the Messrs. Seward were present.

Q. Who else of the board, anybody?—A. I cannot call to mind anybody else just now.

Q. Those you name were Democrats?—A. Yes, sir; they were.

Q. Were there any Republicans from Independence there; anybody who had been voting the Republican ticket at that election?—A. I cannot answer. There are no white Republicans at Independence.

Q. Were there any colored Republicans from Independence at this meeting?—A. I think not.

Q. So that Independence was represented by the respectable Democrats, as you say, and you do not remember anybody else. About how many colored people were in that meeting?—A. I am not able to say. I was up close to the stand.

Q. You made a speech, did you not?—A. Yes, sir; but I did not look in the back part of the hall where they probably would have been seated if they had been there.

Q. How many do you think were there?—A. I do not know; I did not look back there at all.

Q. Do you know whether there were any colored people there?—A. I could not say whether there was one within a mile or not. I say there may have been colored people there.

Q. I thought you said there were colored people there?—A. No, sir; I think I stated that there might have been colored people there.

Q. No; you said there were colored people there. Now you say you do not know whether there were any there or not.—A. No, sir; I do not. I answered the first question under a misapprehension, for I do not know; I was not in that part of the hall. I intended to say there might have been some, and I think perhaps there were. I think yet there were some colored people in that meeting.

Q. Still you do not know?—A. No, sir; I do not.

Q. If some colored people were there, you do not know whether they were colored Republicans or not?—A. They must have been colored Republicans. There are very few simon-pure, unadulterated Republicans in the county there, not negroes, who affiliate with the Republicans.

Q. And not a great many who often vote the People's ticket, are there?—A. A great many of them are said to vote it, and claim to vote it.

Q. Who is the canvassing body in your county; what class of officials?—A. The commissioners' court.

Q. The commissioners court was composed at this time of what members?—A. It was composed of Messrs. Hodde—

Q. Who was one of the commissioners, was he?—A. Yes, sir; Mr. Hodde, Mr. Bolton, Mr. Felder, and a commissioner from Burton, Mr. Blackburn.

Q. All Democrats?—A. Mr. Hodde was a Republican.

Q. But he voted the People's ticket, did he not?—A. I think so.

Q. Don't you know that he did?—A. No; I did not see him vote it.

Q. But you know it was understood that he did so?—A. If he was a truthful man he voted it; I only have his word for it. I have no doubt he voted it, though I did not see him do it.

Q. He presided over this Eldridge Hall meeting, did he not?—A. No, sir; he was not president of the meeting.

Q. Was he present?—A. I think so.

Q. Who did preside?—A. Colonel Giddings.

Q. Colonel Giddings was presiding officer as well as a speaker?—A. Yes, sir; he discharged double duty on that occasion.

Q. Did Mr. Hodde make a speech?—A. I think Mr. Hodde probably rose to his feet in response to a call and indorsed what had been said.

Q. How many white Republicans do you know who were present at that meeting and who had voted the Republican ticket at the previous election?—A. I know there were a good many, but I don't think I can name them all. I know that Mr. Hodde was there, and he claims to be a Republican; and I know Dr. Tristram was there, and he claims to be a Republican; and I know that Mr. Nicholson was there, and he claims to be a Republican; and I think Mr. Muller, the editor of the Volksbote, was there, and he claims to be a Republican; and I might, if I had time, name others.

Q. Don't you know that they all voted the People's ticket at the last election?

The WITNESS. Those that were there?

Mr. TELLER. Yes.

A. Well, I think, perhaps, they did.

Q. Was not Mr. Hodde the chairman of some committee appointed during the election campaign?—A. I am not aware of any appointment that he held.

Q. Had you had any meeting subsequent to the election, any public meeting there?—A. I think not. Perhaps there had been a meeting in Brenham when I was not in attendance, but I do not know that they had any. I have an indistinct recollection now that there was something like a conference there, and perhaps the result of that conference was the calling of this meeting.

Q. This was an unusually quiet, orderly, and lamb-like proceeding, as I understood you to say?—A. Altogether in the interest of law and order.

Q. That was not the question I asked you. Was it such a quiet, orderly meeting?—A. There was some enthusiasm, but no disorder.

Q. No harsh language at all?—A. I did not hear any directly, that I can recall just now.

Q. It was simply a meeting, in your estimation, for the enforcement of law?—A. Yes, sir.

Q. Did you talk about driving people out of the country if they continued in a course which was distasteful to that meeting?—A. There was some such talk as that; yes, sir.

Q. Is that the law in Texas, that a public meeting can take such things into its own power and say whether a man has a right to make a speech of a certain character or not? Is there any such law that authorizes a public meeting to interfere with the right of free speech in that State?—A. No statutory law; I think there is some common law which would cover the ground.

Q. Which allows a meeting of that kind to determine what a man shall or shall not say?—A. Yes, sir; but I do not go on the presump-

tion that the meeting said that, as to what a man could or could not do. There was nothing of that sort said.

Q. There is no common law—you mean it is the custom?—A. I mean there is no law, but I think the principles of the common law would cover the case exactly.

Q. You think that the principles of the common law would justify a crowd of three hundred people in saying to Mr. Hackworth or anybody else, "You shall speak in a certain method or not at all;" you think that is a proper thing to do?—A. I think it would be a proper thing for them to say that he should not speak in such a way.

Q. And that is what this meeting did?—A. No, sir; not at all. We did not say that he must speak in such a way or not at all, but that such inflammatory speeches should not be made.

Q. You said that they must not speak in such a way, or that they would be dealt with?—A. No, sir; I have not said any such thing.

Q. The speakers of this meeting did?—A. No, sir.

Q. You said you were for war?—A. Yes, sir; but only in the connection I spoke of.

Q. You had heard of these rumors of war, and if there was to be a war, you wanted to be in it?—A. Well, yes, sir.

Q. You had heard of these mobs and riots and revolutionary proceedings?—A. Yes, sir.

Q. Where had they occurred?—A. They had occurred in the neighborhood (or were reported to have occurred in the neighborhood) of Washington, Graball, and Chapell Hill.

Q. What time had they occurred?—A. Oh, some perhaps the night after the election, or probably a day or two afterwards.

Q. What shape had they taken; how had it been demonstrated that these riots and bad proceedings were going on?

The WITNESS. Do you mean how were they organized?

Mr. TELLER. You spoke of mobs. Had anybody been seen together, any crowd of people?

A. So I had been informed.

Q. Where?—A. At Washington, Graball, and Chapel Hill. I did not see them myself.

Q. You did not stop to inquire whether they had a meeting at all?—A. No, sir; I did not fix that on my mind.

Q. The meeting did not either? Had there been any statement made to the meeting of any special meeting of colored people anywhere?—A. I will state how that was——

Q. Answer my question.—A. I will answer your question, but I want to do it intelligently.

Q. You answer my question just as I ask you.—A. I will answer your question. You just keep cool and I will answer your question.

Q. I do not propose to have you argue the matter. I ask you whether there was any statement made at the meeting of any gathering of the colored people at any particular point?—A. The statement made at the meeting was to the effect that these negroes had gathered together, that these gatherings had occurred. There was no precise moment stated at all when they had gathered, whether it was at 28 minutes past 9 o'clock on the 4th of November or at 16½ minutes after 9 o'clock on the 5th of November.

Q. Where did they congregate?—A. At Washington—I wish you would go back and note there that I have answered that question three times—at Graball, Washington, and Chapel Hill.

Q. It was stated in the meeting that they had met there?—A. Yes, sir; generally.

Q. What speaker made that statement at the meeting?—A. It was made in a promiscuous conversation there that occurred. I do not know that it was made in any formal platform speech.

Q. Was it made by any speaker who talked to that meeting?—A. I am not able to say whether it was or not; but it was made in promiscuous conversation before the platform speakers commenced.

Q. Did you make any statement to the crowd as to the details of these mob proceedings?—A. I think not.

Q. Did you have any knowledge of the details of these mob proceedings?—A. I had such information on the subject as was generally circulated through the county.

Q. Do you say now there was any gathering of negroes on any day subsequent to the election at Graball or the other places?—A. No, sir; I cannot say that of my own knowledge; I did not see them.

Q. Did you ever see anybody who did see them or who said to you that they saw them?—A. I cannot say that I have. I did not inquire; I took it for granted.

Q. Is it not a fact that you were proceeding on the rumor that there were these gatherings?—A. I have never said anything else.

Q. Did you know that the sheriff had sent a posse down there of fifteen or sixteen armed men to Graball?—A. I had heard it.

Q. They went down before the meeting. Did you know that they had returned?—A. I don't know whether they were there before the citizens' meeting or afterwards.

Q. You do not know whether it was before or afterwards?—A. No, sir.

Q. You knew of the occurrence at the time?—A. I heard of it.

Q. And you knew they returned the next day?—A. I knew they had returned to Brenham.

Q. You say there were very grave apprehensions in the community of a negro insurrection?—A. Yes, sir.

Q. You have lived in Texas all your life?—A. Yes, sir.

Q. And were living there during the war?—A. Yes, sir.

Q. There were as many colored people, probably, in that section as now?—A. Yes, sir.

Q. Was there any insurrection there during the war?—A. None that I heard of.

Q. Did you ever hear of any negro insurrection anywhere in your section during the war?—A. I do not recall any just at this moment.

Q. Do you recollect any which have occurred since the war?—A. Well, no, sir.

Q. But you thought then that there must be an insurrection, because the men were not there at home?—A. I think it argued in that direction.

Q. Do the negroes there in your town live by themselves?—A. They live in houses to themselves, where they are not employed as servants.

Q. I mean, do they have a portion of the town where they live separate from the white people, a negro part of the town?—A. The principal part of the colored population live in the northern part of the town, though there are some families scattered through the town here and there.

Q. Do they own any property there?—A. Yes, sir; numbers of them own their homesteads.

Q. Do any of them own farming lands in your vicinity?—A. Very few.

Q. Do any of them?—A. A very few.

Q. What proportion of the colored people in your town own their own houses?—A. I suppose from 5 to 8 or 10 per cent.

Q. Of the whole of them?—A. Yes, sir.

Q. But all the men were gone and the women and children were there?—A. I said the men were not to be seen for twenty-four to thirty-six hours.

Q. And you said the women and children were there?—A. The women and children were there, I believe, but were housed up.

Q. It occurred to you, then, that they had gone off to create an insurrection, and left their wives and children in Brenham?—A. Not to create one, but to participate in one. The thing had been already created, as we had heard.

Q. Did it look reasonable to you that they had gone down to Graball, or anywhere else, to join in the insurrection, and had left their wives and children and what effects they had in Brenham?—A. Yes, sir.

Q. It looked quite reasonable to you?—A. Yes, sir; it looked reasonable at the time.

Q. What is the population of Brenham?—A. I suppose it is between six and seven thousand.

Q. What proportion are whites and what proportion are colored people?—A. I suppose one-fifth or one-sixth of the population of the town is colored.

Q. Which will you have it; state definitely?—A. I never have taken the census, and I cannot state it definitely. I say one-third, one-fourth, one-fifth, or one-sixth; somewhere along there.

Q. You cannot tell which?—A. No, sir.

Q. How many military companies have you in Brenham?—A. I think perhaps two.

Q. What are they composed of, whites or blacks?—A. I believe there are three companies—one black and two whites—unless the black company has been recently disbanded; I am not prepared to say.

Q. Had it been disbanded at that time?

Mr. JODON. Yes, and their arms taken from them.

Q. There were two white companies?—A. I am not certain, but I think so.

Q. What is the name of one of those companies?—A. One is called the Brenham Grays, and the other I do not know the name of; I do not remember.

Q. Do you know whether they compose part of the force which the sheriff sent down to Graball?—A. No, sir; I do not; but I understood at the time that this company was guarding the jail there.

Q. And you wanted it understood when you said here, as reported in the newspaper, that you were for war, that that was to be the only condition, that the negroes were to make the attack?—A. Yes, sir.

Q. You did not mean to make any yourself?—A. No, sir.

Q. You did not mean to advise the white people to attack the negroes?—A. I did not.

Q. You said in your speech, did you not, that you were for holding on to what you had got?—A. Yes, sir.

Q. What did you mean by that?—A. I referred to the result of the election.

Q. Was there any doubt about it if there had been a fair election, that you would hold on to it if you got it?—A. Yes, sir; there was considerable doubt about it, owing to the fact that these mobs were being organized to control it.

Q. The election returns were already sent in to the county seat?—A. I do not know, sir.

Q. You never have seen them there?—A. The law gives the election officers ten days in which to make the returns.

Q. You knew you had sent up the Independence returns?—A. I think they were sent, but I am not sure.

Q. You know that the Lotts' box had been stolen?—A. I heard it.

Q. You knew that the Graball box had been destroyed?—A. I was not aware of that.

Q. You had not heard of that at the meeting; nothing was said about it at the meeting?—A. If the Graball box was referred to, I do not remember it. I understood that the Flewellen box had been carried off by the negro who had murdered Bolton.

Q. You understood the negro had carried it off?—A. Yes, sir.

Q. Do you understand now that it was a negro who carried off the box?—A. That was my information on the subject; I was not there, and do not know positively.

Q. You say you do not think you had heard about the Graball box?—A. I think not.

Q. Had you heard about there being a large number of Republican votes thrown out at Independence before the returns went up?—A. I did not know that there were any Republican votes thrown out.

Q. Didn't you hear that the diamond-shaped ticket was thrown out?—A. I heard that the diamond-shaped tickets had been rejected.

Q. By the judges at Independence?—A. Yes, sir; I could not say whether they were Republican or Democratic votes; the tickets were awfully scratched on both sides.

Q. The diamond-shaped ticket was understood to be the Republican ticket?—A. Yes; that was the impression, though I think there were some of the candidates on the People's ticket who had the diamond-shaped ticket—

Q. That has been testified to, and you do not know about it personally; you had only heard of that?

The WITNESS. Of what?

Mr. TELLER. That they had been thrown out and excluded from the count?—A. My recollection is that they were counted and strung on a separate string and were to be presented to the canvassing board with a statement.

Q. Do you know how many there were?—A. No, sir; I do not remember.

Q. You knew that the board of commissioners was presided over by Judge Kirk?—A. Yes, sir.

Q. And that all the commissioners were in sympathy with the People's ticket?—A. I think they were.

Q. They were either Republicans who had voted that ticket or Democrats?—A. Yes, sir.

Q. And yet you anticipated that there might be, as late as Thursday after the election, an attempt made to wrest from you the victory which you had so honestly won at the polls?—A. Not by the commissioners' court.

Q. How then?—A. By these mobs.

Q. How were they to do it; *vi et armis*?—A. By force.

Q. Did you expect them to mob the commissioners?—A. I expected them to take forcible possession of the boxes and mob the commissioners.

Q. Didn't you know that the boxes had all come up or been destroyed?—A. I did not know that they had all been destroyed.

Q. You did not stop to inquire before making this speech whether the returns were in or not?—A. I did not know whether the returns had been formally canvassed by the commissioners' court.

Q. What did you say about the parties who had been inciting the negroes; that they must quit or leave the county?—A. I do not think I made any such statement as that.

Q. Did anybody make such a statement?—A. There was a statement of that sort made by Judge Kirk, I believe.

Q. Did the audience approve of that?—A. They did not adopt any resolution to that effect.

Q. They did not dissent?—A. They took no action.

Q. Do you remember what resolution they did adopt?—A. No, sir; not exactly.

Q. You do not remember?—A. I do not remember the resolutions.

Q. As they appeared in a Democratic paper and have been given in evidence I will not ask you about them if you do not remember. Do you remember what Judge Giddings said about compelling these people to stop making these incendiary speeches?—A. I do not remember his language on that subject.

Q. Was anybody elected to office at this election except those on the People's ticket?—A. Yes, sir; I think the assessor was a Republican elected on that ticket.

Q. Is he still serving?—A. Yes, sir.

Q. It is stated in this publication in the newspaper that Colonel Giddings said that "the People's ticket, representing the best interests of Washington County, were, with one exception, elected by good majorities. That one man, though called by the people, had refused to run on their ticket; but now, if elected, he should be allowed to serve."—A. I remember that language.

Q. That you regarded as highly conservative and in the interests of good government? This report continues: "There was no need of violence or force; that time should have been when the canvass opened and the incendiary speeches were made to the ignorant and vicious of the county; now we should see the law prevail." Do you remember whether he said that?—A. I do not remember that language.

Q. Also, "He knew there was a deep feeling for using violence."—A. I only know that those speeches were not reported by a stenographer and are very imperfect.

Q. Do you remember that he said anything of this kind: that "He knew there was a deep feeling for using violence, but advised that the law take its course and be rigidly enforced. In the future no one should be allowed to make speeches to incite the violence of the ignorant. The people who owned the county should have it stopped." Do you remember whether he said anything of that kind?—A. I think the first part of that latter clause sounds a good deal like a part of his speech.

Q. That you regarded as exceedingly lamblike, and you say the colonel was in an unusually peaceful condition?—A. Yes; in good humor; he was conservative.

Q. You could not give us any exhibition of the colonel's warlike attitude, could you?—A. I might if you would give me a claymore and a pair of epaulets and a uniform. I never saw him fight as a citizen, but only during the war.

Q. That did not strike you as at all harsh?—A. Not at all.

Q. And when Judge Kirk said that if these people did not cease their improper talk they should be driven out of the county, you did not regard that as at all objectionable?—A. That is not properly reported there; that is not correctly reported.

Q. Don't you know that Judge Kirk did say that?—A. He made some such statement as that; just about like I said that my voice was for war. You can take either expression there entirely out of its connection independently, and let it constitute a column of its own height, and make it simply monstrous; but taken in its connection it is a proper thing to be said.

Q. Several persons were named in the speech of Judge Kirk who should be notified that they must change their methods or leave the county, were they not?—A. I do not remember anything about changing their methods; I do not think there was any reference to that.

Q. Were they to leave, then, without any attempt?—A. Would you let me state what it is?

Q. Judge Kirk has already stated, and it is in the record here.—A. Well, then, it would be superfluous, but I can state it exactly.

Q. You may state it and see how you and Judge Kirk agree.—A. The discussion came up on the report of a committee. I think Colonel Giddings was chairman of the committee; at any rate he prepared the report and read it, and the discussion came up on the report of this committee. I suggested an amendment to the report in so far that we call the name of the young man who had been murdered by the negroes at Flewellen, (his name was Dewees Bolton), and that was the only amendment to the report that was adopted. Judge Kirk stated that he understood that Mr. Potter and others had said that they intended to arm the negroes with shotguns, and were making other reckless and improper statements, and had been making incendiary and inflammatory speeches, trying to incite the negroes and doing everything to bring about a collision between the races, and he thought the report ought to be amended so as to tell that class of persons that they would either have to stop inciting these negroes to such acts of bloodshed or leave the country. That particular motion did not prevail, and the report was not amended in that respect.

Q. I suppose the report of the resolution which appears in this paper, the Brenham Banner, is a correct one?—A. I suppose so, if they could read Colonel Giddings's handwriting; his writing so closely resembles that of some distinguished northern divines up here that they could not probably read it very correctly. But if they could decipher his hieroglyphics, it probably is correct. He never taught a writing-school within my recollection.

Q. You say that Mr. Hackworth, Mr. Schutze, and Mr. Moore are bad people. There is a colored man also named Moore down there, is there not?—A. Several of them, I think.

Q. But you refer to a white man when you name Mr. Moore?—A. Yes, sir.

Q. You mean the gentleman who was here this morning?—A. Yes, sir; he was here this morning, the Californian.

Q. He is the man you speak of?—A. Yes, sir.

Q. You say he is regarded as a disreputable man in that community?—A. I do not think I used that phrase.

Q. Well, as a bad character?—A. No, sir; I did not say that.

Q. What did you say?—A. I said he was not in good repute with the best people down there, and I thought the odium with which he was surrounded was owing to the fact that his former connections were with the worst elements of the Republican party.

Q. It was a political difficulty he had gotten into?—A. Yes, sir; somewhat.

Q. His bad repute arose from the fact that he was a Republican and affiliated with a bad class of Republicans?—A. No, sir; not from the fact that he was a Republican at all.

Q. Well, then, that he affiliated with a bad class of Republicans?—A. Yes; that was it.

Q. How long had he lived there?—A. Ten or fifteen years, I think; I do not know exactly how long.

Q. Was he a property-owner?—A. I think he owned his home.

Q. What was his business?—A. He had been a politician.

Q. Did he have any other business?—A. I think not. He was a commission merchant for some time, and after he went out of the commission business I do not think he ever did anything but hold some political office.

Q. You do not charge him with any financial dishonesty, or immorality, or licentious conduct, or anything of that kind?—A. Not at all.

Q. Is he man of family?—A. Yes, sir.

Q. When did he leave there?—A. I do not know exactly, but I think some time in December last.

Q. You think he did not leave on account of any of these hostile demonstrations?—A. I have no idea that he did. I do not think that he is a man who could be intimidated or bulldozed very easy. He has the reputation of being a man of courage.

Q. Do you think it renders a place very desirable for a man to live in when it is proclaimed at a public meeting that he ought to be driven out of the county?—A. I never heard that he was one of them.

Q. Was he not one of the men named?—A. I do not remember; he might have been.

Q. You do not think that Schutze or Hackworth went out of the county because of any of the results that followed the election and these meetings?—A. I have no idea that they did, not the slightest.

Q. Did you ever hear that they received notices that they must leave?—A. Yes, sir; I heard that.

Q. Have you any knowledge of the fact that a notice was sent to them?—A. None on earth, personally.

Q. You did not have anything to do with it yourself?—A. No, sir; not that I can recall just now. If I had, it would be a useless question. I did not write any of the notices.

Q. Do you know who did write them?—A. No, sir; I do not.

Q. Were you consulted about them?—A. No, sir.

Q. You knew they were to be written?—A. No, sir.

Q. But you heard of it soon after?—A. I do not know how long afterwards; it must have been some little time necessarily. Judge Kirk received one or two, I think, to leave the county, and they were afterwards followed up by anonymous letters, which are contemptible in the estimation of all proper people.

Q. Do you mean Judge Kirk was notified to leave too?—A. That was my understanding; I think he was. He received the first notice, I understood, to leave, and that these other anonymous letters —

Q. Were they anonymous?—A. Yes, sir; all were anonymous. It is rather a contemptible way to do business.

Q. Is it common down there?—A. No, sir; I never heard of such a thing before. We have no anonymous authors there; they all sign their names to everything they write, nearly always.

Q. What is the principal complaint against Mr. Hackworth?—A. Well, I told you that I could not exactly specify.

Q. Do you charge him with financial misconduct?—A. I have understood—now please bear in mind that I say that I have understood, for I have never had any business transactions with Mr. Hackworth in my life; we never swapped dollars even—I have understood that he was a man who did not pay his debts, whose credit was not very good, and all that sort of thing, and that he was not very particular about whose money he used when he got it into his possession; and I understood that he appropriated or misappropriated several hundred dollars of the insurance money belonging to his sister or his sister-in-law, or something of that sort; I do not personally know about that, however.

Q. You just heard that rumor?—A. Yes, sir.

Q. How many times did you hear it, frequently?—A. Yes, sir; it was a matter of common, current report there.

Q. Could you mention from whom you heard it?—A. No, sir; I could not.

Q. When did you first hear that report?—A. I cannot call to mind just now when I heard it. It is one of those things that floats through the country.

Q. About when, as near you can state?—A. I could not state about it.

Q. Several years ago or a short time ago?—A. I do not think it has been over two or three months since I heard of it.

Q. It is since the election, isn't it; did you ever hear of it before the election?—A. I don't remember.

Q. Did you ever hear of it before this public meeting was held?—A. I cannot state exactly when I heard it. It is one of those floating things that comes to a man's ears and he don't recollect its authorship or the exact time when he heard it.

Q. He has lived there many years, has he not?—A. I think he has always.

Q. He was born there, was he not?—A. I think so.

Q. Is he still there?—A. No; I think he is in town here.

Q. I mean is he residing there now, or has he left?—A. I do not know where he claims citizenship.

Q. But you have not any idea that he was moved to leave that country by reason of anything that occurred?—A. No, sir; not the remotest.

Q. He just got up and moved out as a man does when he wants to better his condition; that is your theory?—A. That is my belief entirely.

Q. What is the condition of affairs down there now?—A. Everything is very quiet, orderly, and peaceable.

Q. Is there any anticipation of insurrections or outrages at the present time?—A. I think they have all about subsided.

Q. I think I asked you if there was any reference made in those public meetings to the raiding of the Graball, Flewellen, or Lotts' post-office boxes?—A. I think not; I do not remember. In connection with that matter I want to state that Mr. Potter was one of the parties referred to in what Judge Kirk said at the citizens' meeting, and I will state this: That two or three days before the meeting (Mr. Potter keeps a livery stable there and I had been putting up my team with him in the town) I drove my team in there and while it was being unharnessed he mentioned the subject of politics to me and we had a minute's conversation on the subject. He said he was supporting the Republican ticket with a good deal of warmth. I said, "Potter you know better than that." He said, "Yes, I do know that it would be a misfortune to the county to elect that ticket, but I am doing my work for the Republican party to ventilate my spleen against Judge Kirk and to antagonize him individ

ually. I believe it would be a misfortune to elect a Republican ticket in the county."

Q. Has he left there?—A. I think not.

Q. He is still keeping a livery stable there?—A. Yes, sir.

Q. Did you make some public speeches in connection with Mr. Hackworth?

The WITNESS. In the campaign?

Mr. TELLER. Yes, at any time.

A. No sir, I did not.

Q. Didn't you ever make Prohibition speeches?—A. Yes, sir; I stated in the beginning of my testimony that that was in Austin County.

Q. Were you both invited to go there and make speeches?—A. Yes, sir.

Q. By what party?—A. I was invited by Mr. Pennington, I think, or Major Garland.

Q. In what behalf were the speeches made, in favor of what ticket?—A. It was in behalf of the Prohibition ticket.

Q. Is Mr. Hackworth a Prohibitionist?—A. He professes to be, and I think he is.

Q. And you are also?—A. Yes, sir.

Q. So you had something in common on that occasion?—A. We came to a focus on that at that time.

Q. About when was that?—A. That was about a year ago.

Q. You have stated all you know about Mr. Hackworth and Mr. Moore and their characters, have you not; all that you want to?—A. Yes, sir; I was not anxious to make any statement at all.

Q. Mr. Schutze had trouble with his wife, had he?—A. So I had understood; yes, sir.

Q. You said in regard to Mr. Hackworth that his relatives or kin had denounced him. Was it for his political course or his financial course?—

A. I could not specify; I would not like to answer. Those things would create family disturbances, and no good results would come from it.

Q. You do not know what they denounced him for?—A. I think they probably stated it was for general cussedness.

Q. Don't you know it was because they differed from him politically?—

A. I know they differed from him politically; I know that.

Q. This Mr. Pennington you spoke of was a relation of his?—A. It was not that Pennington; there are several Penningtons in the county.

Q. Do you know whether there were relatives down there by that name?—A. I think there were.

Q. Did he stay with them on this occasion when you went together?—

A. I think he staid with his daughter on that occasion.

Q. Now, to go back to the other man, Mr. Schutze. He is a German?—A. Yes, sir.

Q. He had parted from his wife, had he?—A. Yes, sir; I so understood.

Q. He got a divorce from his wife, did he?—A. No, sir; I think she got one from him as quick as she could.

Q. You think she was the complainant?—A. I think so. I cannot state positively. I never examined into it or saw the court record.

Mr. JODON. The divorce was granted on grounds against her. I was present, and Mr. Breedlove represented Mr. Schutze, and Mr. Hoffman, who is here, can testify to the same effect.

Q. You are not certain which way it was?—A. No, sir; I am not certain which way it was; but I am certain which way it ought to have been.

Q. Growing out of that, of course, there was difficulty with his wife's people?—A. Yes, sir.

Q. That is the gravamen of his offense, is it, aside from his politics?—A. I do not think his politics is the cause of any hostility down there towards him.

Q. You stated yourself that his speeches to the negroes had created a great deal of prejudice against him?—A. I do not think I made any statement of that sort.

Q. Was he in the habit of making speeches to the negroes?—A. Yes, sir; but not so much as the other Republicans.

Q. He was more mild?—A. I never heard him make but one speech, and that was in German and I did not understand it.

Q. Do you know whether he made any speeches in the last campaign at all?—A. No, sir; I could not say whether he made any or not. I never have heard him make political speeches, but I think he generally participated in the campaign and talked whenever proper occasion offered.

Q. I will ask you one other question about this board of commissioners. Do you know how this board of commissioners finally disposed of the election; did they give you the benefit of your victory which you claimed for the People's ticket?—A. Yes, sir.

Q. The returns were in favor of the People's ticket with the exception of one man?—A. Yes, sir; with the exception of Joe Hoffman, a Republican, who had been elected.

Q. Was there any complaint made in the community by anybody about the throwing out of any votes down at Independence?—A. So far as I know I think there were probably opinions expressed about the throwing out of those diamond-shaped tickets, or counting or stringing them.

Q. But the idea in the community was that it was right, was it not?—A. Yes, sir; that was the general opinion.

Q. Of course the Republicans objected?—A. I did not hear any objection on the part of the Republicans. I think probably the only man I heard refer to it was a Democrat.

Q. And he thought it was right?—A. The throwing them out? No, sir.

Q. He thought it was wrong?—A. He thought the diamond-shaped tickets were good, and would stand the test.

Q. Did he say that the supreme court of the State had so declared recently?—A. I do not think he referred to the supreme court of the State at all. He is not a lawyer and is not supposed to be familiar with decisions of the supreme court.

Q. You understood that the supreme court had held that that class of tickets were valid?—A. I did not understand that at the time, but I afterwards heard that the supreme court had decided that the shape of a ticket did not affect its validity.

Q. You saw Mr. Hackworth's circular that he published in one of the papers, in which he complained of the illegal board at Independence?—A. I saw the circular, but I did not read it very carefully; I imagined about what it contained.

Q. You thought perhaps he might complain about the throwing out of a large number of votes in that county? Do you remember the date of his circular?—A. No, sir.

Mr. TELLER. It is already in the record, I believe, and I will not ask you about it.

TESTIMONY OF FREDERICK FISCHER.

FREDERICK FISCHER, having been duly sworn, was interrogated as follows:

By Mr. PUGH:

Question. Please give your name to the committee?—Answer. My name is Frederick Fischer.

Q. Where do you reside?—A. I live in Brenham, Washington County, Texas.

Q. What is your occupation?—A. I am a butcher.

Q. How long have you lived in Brenham?—A. I have lived in Brenham since 1869.

Q. Are you a property holder there?—A. Yes, sir.

Q. What is the extent of your possessions there; are they in real estate or what?—A. I own a farm and a house and a couple of houses in the city.

Q. A wooden or a brick house?—A. One brick house, one frame house, and about a dozen other farm houses.

Q. About what do you estimate your property there to be worth?—A. About \$30,000.

Q. What party have you voted with there; what do you claim to be in politics?—A. I am a Republican.

Q. Did you take any part in the war?—A. Yes, sir.

Q. Which side were you on?—A. I was on the Northern side.

Q. You were a Union soldier?—A. Yes, sir.

Q. When did you go to Brenham?—A. In 1869.

Q. Have you been there ever since?—A. Yes, sir; I have.

Q. Please give the committee what knowledge you have of the formation of a Peoples' party and a Peoples' ticket in 1884, and afterwards; why was that party formed?—A. Well, in 1884, or before that, our officers got to stealing our money.

Q. The county officers?—A. Yes, sir.

Q. What were they, Republicans or Democrats?—A. One of them was a Republican.

Q. Who were the county officers?—A. This man I am alluding to was Leib.

Q. What offices did he fill?—A. He was the treasurer.

Q. He got to stealing the people's and the county money?—A. Yes, sir; he stole it all.

Q. And that was the reason you got up this movement to turn that sort of men out of those offices?—A. Yes, sir. We got together and selected a set of people of both parties, honest men.

Q. The people of both parties got together and made the ticket—A. Yes, sir; the People's ticket.

Q. That was the reason it was called the People's ticket?—A. Yes, sir.

Q. You took part in that movement?—A. Yes, sir.

Q. You helped to make the ticket?—A. Yes, sir.

Q. And helped to elect it?—A. Yes, sir.

Q. And those men were elected?—A. Yes, sir.

Q. Fairly and openly?—A. Yes, sir.

By Mr. TELLER:

Q. That was in 1884?—A. Yes, sir; in 1884.

By Mr. PUGH:

Q. It was claimed then that the People's candidates got possession of the county offices?—A. Yes, sir.

Q. When they got possession what was the condition of the county credit and funds?—A. We stand first-class there, and the papers are good; our scrip I mean.

Q. That is, at this time. But I mean when you first got possession of those offices by the movement of these people; what was the condition of the county credit in 1884?—A. Oh, that fellow almost bankrupted us.

Q. What was county scrip worth then?—A. I don't recollect. Sixty-five cents was offered for it.

Q. Since the people elected the county officers, what has been the result?—A. It is dollar for dollar.

Q. It has gone up dollar for dollar?—A. Yes, sir.

Q. Were you in Brenham when this public meeting was called and held?—A. I got there late.

Q. Do you know anything about the object or purpose of that meeting?—A. What I understood was that the negroes were getting themselves together, and there was to be some trouble with them.

Q. You really heard that?—A. Yes, sir; that is what I understood.

Q. And you understood that this meeting was called on account of that condition of things?—A. Yes, sir; to protect us.

Q. Were you in the meeting?—A. I was there a while.

Q. While you were there what sort of speeches did you hear; what sort of feeling was expressed?—A. Well, I don't know, really. The feeling seemed to be pretty strong against those darkies.

Q. Pretty strong against the darkies?—A. Yes, sir; on account of that movement.

Q. Do you know anything about any movement or any combination to drive anybody out of the county?—A. No, sir.

Q. Did you ever have any conversation with Mr. Potter with reference to these notices that were going around there?—A. Yes, sir.

Q. State what conversation you had with him?—A. Mr. Potter came down to my market and showed me that note that he got, and I told him he need not be alarmed, that I did not think there was anything in it, and he says himself that he thought Frank Harvin wrote him the note.

By Mr. TELLER:

Q. This was the notice that he got to leave, was it?—A. Yes, sir.

By Mr. PUGH:

Q. What was the general understanding and talk there; what did you gather from the conversation around about these notices that were being given?—A. Well, it was generally believed that some of them wrote them themselves.

Q. Who did Mr. Potter say he thought gave him his notice?—A. He said he thought Frank Harvin wrote it for devilment.

Q. Is Harvin an enemy of his?—A. No, sir; he said he done it for devilment.

Q. Do you know any fact going to show that Mr. Moore, Mr. Schutze, and Mr. Hackworth left that county on account of their belief that they were in danger, or anything of that sort?—A. They were in no more danger than I was.

Q. In no more danger than you were?—A. No, sir.

Q. Do you know their general character in the neighborhood where these parties live ; do you know what their general character is there among the people where they live?—A. Well, Mr. Schutze—

Q. But do you think you know the general character of those men?—A. Just about what the people thought and said.

Q. You know from what the people said?—A. Yes, sir.

Q. Now what sort of a character was that?—A. Well, as to Mr. Schutze, nobody would hardly associate with him any more. The report is that he whipped his wife and she had to run to her friends to find protection.

Q. He whipped his wife and she had to go to her friends for protection?—A. Yes, sir.

Q. What about his credit there?—A. His credit was not good.

Q. What about his associations, his moral character and standing?—A. He has none at all.

Q. Do you know anything about Mr. Schutze keeping a negro woman there as a sort of mistress?—A. I do not know about that.

Q. Was there any talk or rumor of that?—A. There was a sort of rumor, but I do not know.

Q. Do you know anything about Mr. Hackworth?—A. Yes, sir ; I know him.

Q. What do you know about his general character and standing there in Brenham?—A. His general character and standing was not good.

Q. Do you know or think you have any reason for saying that?—A. Well, he would not pay his debts.

Q. What was the character of his associations?—A. The character of his associations was with the lowest class of darkies.

Q. His credit was not good?—A. No, sir.

Q. From that character of Mr. Hackworth's would you believe him under oath—

Mr. TELLER. You must ask what was his reputation for truth and veracity ; that is the question to put to him on that subject.

Q. Was there any other cause for his standing except his low associations and his not paying his debts? Was there any other cause for his low standing?—A. Not that I know of, in particular.

By Mr. EVARTS:

Q. When did you last vote the Republican ticket?—A. I voted it in 1884 after that election.

Q. You do not mean that you voted the Republican ticket in 1884, do you?—A. No, sir.

Q. How did you vote the election before that?—A. I voted the Republican ticket.

Q. That would have been in 1882?—A. Yes, sir.

Q. That is the last?—A. That is the last straight Republican ticket I have voted.

Q. Since that you have voted what you call the People's ticket?—A. Yes, sir.

Q. Did you vote for this man that you say stole the money, this treasurer?—A. I did at that time.

Q. You thought at that time that he was an honest man?—A. Yes, sir.

Q. But it turned out that he was a defaulter?—A. Yes, sir.

Q. How much money did he steal?—A. Twenty-five thousand dollars.

Q. What became of him?—A. He is in the penitentiary.

Q. On account of that misconduct?—A. Yes, sir.

Q. In 1884 you did not vote the Republican ticket at all?—A. No, sir; I voted the People's ticket.

Q. In 1886 you voted the People's ticket?—A. Yes, sir.

Q. Therefore you have not voted the Republican ticket since 1883?—A. No, sir.

Q. And you call yourself still a Republican?—A. Yes, sir.

Q. You are a German?—A. Yes, sir.

Q. You did not give much attention to this public meeting did you?—A. No, sir.

Q. How long did you stay there?—A. I think perhaps a quarter of an hour.

Q. Who was speaking while you were there?—A. I believe Judge Kirk was.

Q. Do you remember what he said?—A. He made the remark that these men had to quit—about these men making these incendiary speeches; that they ought to quit it.

Q. What did you understand he meant by incendiary speeches?—A. Well, to get the darkies against the whites.

Q. You mean making Republican speeches?—A. I don't know; I reckon so.

Q. And he thought that that ought to be stopped?—A. What I understood was that he ordered them to quit making that sort of speeches, for it made bad feeling among the citizens.

Q. Did you approve of that?—A. Well, I didn't think it was right for them to say that.

Q. To make those speeches?—A. No, sir.

Q. Would you think it was right because a man made a speech that you didn't approve of that he should be driven out of the county?—A. If it is to enact bad feelings among the community.

Q. Then he should be driven out?—A. Yes, sir.

Q. But who is going to determine that question? Do you think it is right to let a mass meeting determine whether you have a right to make a certain kind of a speech or not? Are you not in the habit of saying whatever you think in your judgment you ought to say?—A. Well, if it is decent and right.

Q. But suppose some other man thinks it is not right, do you let him think for you or do you think for yourself?—A. The community do not think so.

Q. The community do not think it is right to make those speeches?—A. No. I do not say Republican; I say incendiary speeches.

Q. What do they say at those speeches; you tell me?—A. I did not hear them say it.

Q. What do you call an incendiary speech? When a man tells you that Mr. Hackworth made an incendiary speech, what kind of a speech do you think was made; what do you understand by it?—A. I understand that it is to put the darkies on an equal footing with white men in socialities.

Q. Then, if Mr. Hackworth said that the colored men had the same civil and political rights as white men, would you think that was wrong?—A. No, sir; not if he said that, I would not think it was wrong.

Q. But if he said they had the same social rights, would you regard that as wrong?—A. It was reported in their speeches that they said they had a right, with their families, to come into a white man's parlor and sit down with him and associate with him and his family; that they had that right.

Q. It was reported that these men said that?—A. Yes, sir.

Q. Did the negroes themselves claim that right?—A. Well, the negroes down there are ignorant, some of them.

Q. But did they claim that right, that they should be allowed to come into a white man's parlor uninvited?—A. They never came to me.

Q. Did you know of their going into anybody's parlor on terms of social equality?—A. No, sir; I do not know it; I have heard it, but I do not know.

Q. Did you ever hear of their doing that?—A. Yes, sir; I heard so.

Q. Do you mean without being invited?—A. No, sir; not being invited.

Q. If a white man chooses to associate with a negro, don't you think he has a right to?—A. Yes, sir; if he chooses to, I think he has a right.

Q. That is a matter for him to decide, isn't it?—A. Yes, sir.

Q. You do not choose to associate with them?—A. No, sir.

Q. But if Judge Kirk should conclude that he wanted to associate with colored men, and have them dine with him and visit him, you would not deny him the right, would you; you would not object to his doing it if he wanted to?—A. If he wants to do it, that is his business.

Q. That is what I say. Now, if a colored man goes to a white man's parlor and sits down on the invitation of a white man, you do not think the colored man is to be punished?—A. No, sir; I don't think he is to be blamed; but that ain't what we are driving at.

Q. Tell us what you are driving at then.—A. They were telling them that they had a right to do so.

Q. And that you deny?—A. Yes, sir.

Q. But the negroes never attempted to put this right in practice that you know of?—A. Not that I know of.

Q. So that it was a kind of sentiment, wasn't it?—A. Yes, sir.

Q. A kind of principle whether that was right or not? Did you ever hear these men, any of them, make speeches of that kind yourself? I mean Hackworth, Schutze, or Moore.—A. I ain't quite positive. I went to one meeting one night, but I ain't quite positive whether I heard it myself or got it from hearsay.

Q. But you understood they did say that?—A. Yes, sir.

Q. And that was the offense they had committed?—A. Yes, sir.

Q. Now, you say that Mr. Hackworth didn't pay his debts?—A. No, sir.

Q. Does he owe you anything?—A. Yes, sir.

Q. And he did not pay you?—A. No, sir.

Q. He owes you a butcher bill?—A. Yes, sir.

Q. He still owes you?—A. Yes, sir.

Q. Are there any other people around there who owe you?—A. Mr. Moore.

Q. Anybody else?—A. Yes, sir.

Q. Who, Mr. Schutze?—A. Mr. Schutze went off and never had any settlement.

Q. You do not know whether he owes you or not?—A. No, sir.

Q. Is there any other white man around there besides Mr. Moore who owes you?—A. Yes, sir.

Q. A great many people owe you, do they not?—A. Yes, sir.

Q. Do all the white people, except Hackworth, Moore, and Schutze, pay their debts in that community?—A. No; there are some more.

Q. How long have you been doing business as a butcher?—A. I have been a butcher there since 1869.

Q. And a good many of your debts you have not collected?—A. Yes, sir.

Q. From a great many people?—A. Yes, sir.

Q. A great many people come and get meat, and do not pay, don't they?—A. Yes, sir.

Q. White and black?—A. Yes, sir; black not so much.

Q. The blacks don't get so much, and you don't trust them so much?—A. I don't trust them so much.

Q. You are more apt to trust the whites?—A. Yes, sir.

Q. And they are about as poor pay, I suppose, as the blacks?—A. I don't know; some of them.

Q. Some of them are worse, are they not?—A. Some of them.

Q. Now, this is the complaint you make of Mr. Hackworth, Mr. Moore, and Mr. Schutze; that they made these speeches, proclaiming social equality of the negroes and the whites, and they have not always paid their debts?—A. Yes, sir.

Q. Did Mr. Moore ever talk to you about selling you some property to pay his debts, or offer you some?—A. Yes, sir.

Q. Did he offer to sell you some cows?—A. No, sir.

Q. What property was it that he offered you?—A. He offered me a lot that belonged to his mother-in-law.

Q. Did he ask you if you would take it on the debt?—A. Well, he asked me such a price that there was no use in it.

Q. You were not willing to pay the price?—A. No, sir.

Q. About how much does he owe you?—A. He owes me now \$54.

Q. What does Mr. Hackworth owe you?—A. Not so much; seven or eight dollars that has not got out of date.

Q. What was Mr. Hackworth's business?—A. He was justice of the peace, and last, later, he was some sort of a land agent.

Q. He kept what you would call a real-estate office?—A. Yes, sir; I believe so.

Q. Did he have land for sale?—A. Yes, sir.

Q. Was it his own land?—A. No, sir.

Q. He sold it for other people?—A. Yes, sir.

Q. You do not think these men were in any danger of being injured if they staid there?—A. No more than I am.

Q. Did you get very much excited over this talk of a negro insurrection?—A. No, sir; I did not get much excited.

Q. You were not very much alarmed about it?—A. No, sir.

Q. You did not believe the negroes would make a very great demonstration against the whites, did you?—A. Well, it was reported they were all huddling together in that Washington neighborhood.

Q. You have been a soldier?—A. Yes, sir.

Q. You do not regard the negro as a very formidable antagonist, do you?—A. I do not know; they were bold enough to shoot that white man there.

Q. That is rather a rare occurrence, is it not?—A. No, sir.

Q. Have there been a good many of those occurrences?—A. They shoot a right smart down there, the negroes do, amongst themselves.

Q. They do not often kill a white man, do they?—A. Not so often; no.

Q. What were you in the Union Army—anything but a private?—A. That is all.

Q. How long were you in the service?—A. I went in in 1863 and staid until it ended.

Q. You have some knowledge, then, of course, of military affairs?—

A. Yes, sir.

I believe you have a couple of military companies in Brenham?—A. Yes, sir.

Q. Are they pretty good companies?—A. I never have paid much attention to them.

Q. Do you know how they are armed, or anything about it?—A. I could not say positively.

Q. With a couple of good companies you would feel pretty safe against almost any number of negroes unorganized, would you not, if you were at the head of those troops?—A. I don't know; if we had only enough of them, and they ain't organized much.

Q. Have you got any cannon down there—artillery?—A. No, sir.

Q. Just infantry or a cavalry company?—A. It is infantry.

Q. The whites are all armed with pretty good guns in that country?—A. I do not know. I never wore a six-shooter in my life.

Q. They carry a great many guns or own a great many guns, don't they? I mean the whites.—A. Not that I know of.

Q. What kind of guns do those negroes generally have when they have any?—A. They get these long guns.

Q. Shotguns?—A. Old Army rifles.

Q. Old Army rifles or shotguns?—A. Yes, sir; shotguns and muskets.

Q. They are not a very effective arm?—A. They are a cheap article, but they shoot.

Q. Did you hear the rumors that there was a gathering down there?—A. Yes, sir.

Q. Did you go down or take any pains to verify the fact?—A. No, sir; I staid at home.

TESTIMONY OF WILLIAM PERRY.

WILLIAM PERRY, having been duly sworn, was interrogated as follows:

By Mr. PUGH:

Question. What is your name?—Answer. William Perry.

Q. Where do you reside?—A. In Brenham, Washington County, Texas.

Q. What is your business?—A. I am superintendent of a cotton-press at Brenham.

Q. How long have you lived in Brenham?—A. Nearly five years; five years the coming July.

Q. Were you at the meeting held at Eldredge hall?—A. Yes, sir.

Q. Describe the character and object of that meeting.—A. After the vote there was considerable excitement all over the county, and some farmers came in from the country and said there was a good deal of excitement among the negroes. A meeting of citizens was called; a good many farmers were there, and a good many citizens of the town, and Colonel Giddings made a little speech, and advised everybody to be quiet and not be hasty in doing anything they would regret afterwards. There seemed to be considerable excitement among them.

Q. What caused the excitement?—A. The killing of Bolton.

Q. Was there any rumor or talk of a combination among the negroes?—A. Yes, sir; it was said that the negroes were organizing on Sunday.

Our meeting was held by probably Tuesday or Wednesday. On Sunday it was said that some of the negroes had made some talk out there at their churches in regard to the election and what they would do; that their talk was that their ticket had been elected, and they wanted to have their candidates put in office. That is what caused this excitement, and we called the meeting.

Q. Do you know of the general character and standing of Messrs. Hackworth, Schutze, and Moore in that community?—A. Well, I should judge——

Q. Just from what the people said, I mean?—A. From my experience and what I saw I should judge their character was not at all good, and from their associates; that is, as far as Hackworth and Schutze are concerned. Moore I know very little of any further than seeing him on the streets, and his having held office there and associating with a class of people that a person would naturally suppose were birds of a feather who went together.

Q. What was the talk, if there was any, about the influence these men were exerting upon the negro population?—A. Sir?

Q. What was the talk, if there was any talk of that sort, about the influence and the teachings of these men towards the colored population?—A. Of course they were recognized as the leaders of the Republican party, which in our country is the negro vote. There are good Republicans who vote for the white or People's ticket; we do not have any Democratic ticket. We have a People's ticket, and Republicans and Democrats both vote for the People's ticket.

Q. They combine?—A. Yes, sir; they combine on the People's ticket.

Q. What was the cause of that combination of Democrats and Republicans?—A. To get good men in office. The men that the Republicans heretofore have put in office have robbed the county and stolen in every way that they could.

Q. And these men had filled these offices and had done so by the aid of the negro vote?—A. Yes, sir; that is the way it was done.

Q. It was the influence they exerted upon the negroes that enabled them to get those offices?—A. Yes, sir.

By Mr. TELLER:

Q. You have lived there you say five years?—A. Yes, sir; nearly.

Q. Where did you go from when you went there?—A. From the northeast, Marion County, Jefferson.

Q. How long had you lived there?—A. I was born and raised there.

Q. You are a native of Texas?—A. Yes, sir.

Q. What are your politics?—A. I am a Democrat.

Q. You say the Republicans there are negroes?—A. I say the Republican ticket there, and that is the Republican vote.

Q. You say that the straight Republican ticket is supported by the negroes?—A. Yes, sir; the majority of them are negroes.

Q. Are there any white ones except those you have mentioned?—A. Yes, sir; there are the white Republicans there, but they vote the People's ticket with a few exceptions.

Q. As a general thing the white people vote the People's ticket?—A. Yes, sir; the tax-payers of Washington County, the good Republicans of the county.

Q. You say the Republican officials had robbed the county all they could?—A. That was my understanding.

Q. What officials; please name them?—A. There was Mr. Leib and Mr. Hackworth and——

Q. Mr. Leib was the collector who was sent to the penitentiary?—A. Yes, sir; and another one there, Mr. Harvin.

Q. What did he rob the people of?—A. He was the sheriff there at one time, and the assessor or collector. I do not know about that; that was all hearsay.

Q. How much had he stolen?—A. I do not know the amount.

Q. Do you know that he had stolen anything?—A. No, sir; I do not.

Q. Somebody told you that he had?—A. Yes, sir.

Q. Mr. Hackworth, you say, was another who had been robbing the county?—A. I understood so.

Q. What position did he hold?—A. I understood that he was the county judge at one time; that was years ago, I suppose, when the justice of the peace and the county judge were about the same thing, and he could get money by letting out contracts and agreeing to the contracts.

Q. You heard that he stole?—A. Yes, sir; I heard so; I do not know that.

Q. You do not know anything about the facts?—A. No, sir.

Q. Did you ever hear that he was tried on the charge and acquitted?—A. No, sir.

Q. You never heard that?—A. No, sir.

Q. You do not know whether that is so or not?—No, sir; I do not.

Q. You say this meeting was somewhat excited?—A. Yes, sir; there was considerable excitement owing to the killing of Bolton, a quiet, peaceable citizen of the county, I understood.

Q. What else besides the killing of Bolton caused the excitement?—A. There was considerable talk that the negroes were being aroused by words that had been said to them on the part of some of the white Republicans there, and claimed that their ticket had been elected and that they were going to put their people in.

Q. The negroes claimed that the straight Republican ticket had been elected?—A. The leaders did.

Q. And that they were going to make a contest?—A. That was the talk, I believe.

Q. And to put their men in if they could?—A. Yes, sir.

Q. And that the people did not want; they did not want that contest made?—A. I never heard they objected to it at all.

Q. Why should that have created any excitement, then?—A. That was not the cause of the excitement; it was the talk of these white Republicans there, the leaders, that they were going to do so and so.

Q. What were they going to do; what was the talk that the white leaders were going to do?—A. They were going to arm the negroes to such an extent or to bring this contest on, and that they would put these men in.

Q. But which was it; were they going to contest this election by force of arms?—A. I suppose not.

Q. You have a law for contesting elections down there in Texas, haven't you?—A. Yes, sir; but I never heard that these parties applied to it at all.

Q. If any contest was made it must have been made before the proper tribunal?—A. That is what I think about it.

Q. Was it possible for them to contest it in any other way; the election was over?—A. Yes, sir; the election was over, and that was the part I could not exactly understand; but we know, as far as the negro is concerned, we have no fear of them unless they are led by disreputable parties.

Q. You have not any fear of them any way, have you?—A. Well, they are pretty bad when you get them aroused, and they showed it in the killing of Bolton; they never would have done that act except—

Q. Name any instances where they have killed white men there?

The WITNESS. In Brenham?

Mr. TELLER. I mean in Washington County, since you have been there?—A. In the five years since I have been there I do not remember any now.

Q. You heard the circumstances under which Bolton was killed. You know it was claimed that he was invading the precinct and stealing the ballot-box?—A. I heard that.

Q. You know that is what the negroes claimed?—A. That was what one side claimed.

Q. And the other side claimed that he only went in there to see how the count was going?—A. That is what I understood; that is the first way I heard of it.

Q. There was a good deal of suppressed excitement. You spoke about the negroes meeting on Sunday; but your meeting was on Friday, before there had been any meeting of the negroes.—A. I do not remember exactly the date of the meeting.

Q. That meeting is shown by the papers to have been on the Friday after the election.—A. This meeting was held directly after the killing of Bolton.

Q. You said it was reported at this meeting that the negroes had been addressed on the Sunday previous.—A. No, sir; I do not know that I heard that in that meeting, but I heard it afterwards.

Q. So that there could have been no talk of that kind at the meeting, because the Sunday had not yet come?—A. No, sir. But I heard also at the meeting—

Q. I want to ask you about the meeting. How long did you stay there at the meeting?—A. I was there from the time it commenced until it was over.

Q. Did you take any part in it?—A. No further than to sit there and listen to what was going on.

Q. You approved of the speeches that were made?—A. Many of the speeches I approved of. Colonel Giddings made a nice little talk.

Q. You saw nothing in any of the speeches that you could disapprove?—A. No, sir; I did not.

Q. What did you understand when Colonel Giddings and others spoke about incendiary speeches? What do you understand by an incendiary speech?—A. I suppose different constructions might be put on them.

Q. Do you understand an incendiary speech to be about the same as Mr. Fischer did?—A. I do not know; I did not hear what he said.

Q. Tell us what you call an incendiary speech?—A. I call an incendiary speech a speech inciting people to burn and murder and destroy the property of others, or something of that kind.

Q. Had anybody advised that during the campaign, that you heard of?—A. No, sir; I do not know that I heard anything of that kind.

Q. There was no charge that anybody advised them to burn property or murder people?—A. I never heard it.

Q. And you lived in that town?—A. Yes, sir.

Q. Do you belong to either of those military companies?—A. No, sir.

Q. Can you give me any idea of the strength of those companies?—A. I think they have thirty or forty men. There is one composed principally of young boys from fourteen to eighteen years of age, and the

other is composed of young men. I suppose they have thirty or forty in each company, maybe.

Q. Did you say that the community there really anticipated a negro insurrection?—A. It looked very much that way.

Q. It looked like an insurrection?—A. I know there was a good deal of excitement there.

Q. Do you mean to say that it looked as though there was going to be, or that the people thought there might be, an insurrection?—A. I say the people thought there might be.

Q. Did you yourself have any personal apprehension of any such thing?—A. I cannot say that I did, only I prepared myself in case of emergency. I armed myself and had arms at my house at night, something I had never done before.

Q. You all have arms, do you not?—A. I hunt a good deal, and I have a double-barreled shotgun I keep around.

Q. A rifle?—A. No, sir.

Q. Don't you have any large-game forests down there?—A. No, sir; we hunt with shotguns altogether.

Q. You think the people do not have shotguns generally?—A. No, sir. There are some there who have not had shotguns for ten or fifteen years; I heard several men remark that.

Q. You have lived all your life in Texas?—A. No, sir; I have lived in the North several years.

Q. You were brought up in Texas?—A. Yes, sir; I was raised in Texas, but my father was from New Hampshire.

Q. Have you ever known of any negro insurrections?—A. No, sir; not to my knowledge in Texas.

Q. Have you ever heard of any negro insurrections in Texas?—A. No, sir. We used to have a good deal of trouble in Northeastern Texas.

Q. Were there any negro insurrections or riots?—A. No, sir.

Q. Did you ever see an armed body of negroes engaged in any unlawful act?—A. I cannot say I have. I have seen them at the polls, though, where I thought if there had been any disturbance of any kind they might have committed violence.

Q. But you never did see any?—A. No, sir; because people stood back and let them have their way.

Q. You never heard of any in Texas?—A. I do not remember.

Q. About how many negroes would it take to overawe a half dozen good stalwart white men in your neighborhood?—A. That depends on circumstances.

Q. To be honest, how many do you think one of the favored race, in the language of your country, would stand off; how many would you think you were equal to?—A. I do not know, sir, how many.

Q. You would not regard the negro as a very effective aggressive fighter, would you, in the main?—A. I think if you placed arms in their hands and they got aroused, you would find they commit an act of murder as quick as anybody.

Q. They might?—A. Yes, sir; they are very imprudent.

Q. There have been quite a number of people killed in Texas, to your knowledge?—A. Yes, sir.

Q. I do not mean negroes, but white people?—A. Yes, sir; and the negroes fight among themselves.

Q. How many cases have you known of the killing of white men by negroes?—A. I have heard of them, but I never have paid any attention to them.

Q. Then there has not been enough to attract your attention?—A. Oh, there have been a few instances.

Q. Bolton is about the first you remember?—A. Bolton is the first that I remember there in Washington County, but there have been others.

Q. There may have been, but you do not remember them?—A. No, sir; I do not remember them.

Q. Has anybody been killed since that time by the negroes?—A. No; there hasn't been any white person killed by a negro down there, but the negroes have killed other negroes.

Q. They are a pretty docile race when they come to treat with the white people, are they not?—A. Well, the white people they work with are their friends, and they have no particular cause to be otherwise that I know of.

Q. They are a pretty quiet, peaceable people down there, are they not?—A. They have a good deal of quarreling and fighting among themselves, but to the whites they are very respectful.

Q. Do you think they quarrel more among themselves than white people do among themselves?—A. Yes, sir; there is no doubt of that.

Q. You think they do more shooting amongst themselves, the black people?—A. Yes, sir.

Q. How many instances can you give of negroes killing negroes in Washington County?—A. I suppose at least eight or ten cases since I have been there.

Q. Have they been punished for it?—A. I do not know about that.

Q. Do you know of any negro being punished for killing anybody?—A. I never knew of but one being hung since I have been there.

Q. You heard of these three colored men being hanged, as has been spoken of?—A. Yes, sir; I mean outside of those.

Q. You never heard of any negro being hung by the courts in Texas in Washington County?—A. Yes, sir; but that was before I went there; not since I have been there.

Mr. GIDDINGS. Do you recollect the killing of Robert Duncan?

The WITNESS. Yes; I do recollect it now.

Q. Who was he killed by?—A. A negro.

Q. Was the negro tried?—A. I suppose so; I do not know.

Q. What became of him when he was tried?—A. I do not know; I could not tell you.

Q. He was not hung, was he?—A. I remember there was an instance of that kind, but it was when I first went there.

Q. He was tried and acquitted by a white jury; is not that the fact?—A. I do not know anything about it.

Q. If he had been guilty of murder, he would have been pretty apt to be punished for it, wouldn't he?—A. I suppose so.

Q. His color would have been against him, would it not?—A. I think there have been murders committed in Texas by men who will never see their just punishment, like in the other States.

Q. Where it is a question whether or not it was in self-defense?—A. They may have had the opinion it was in self-defense. But I say I think a negro stands about as good a show as a white man in our country when it comes to self-defense.

Q. He ought to?—A. Yes, sir; he ought to. I believe in equal rights when it comes to those things. I do not think a negro should be hung if he acts entirely for self-defense in what he does.

Q. You do not know what the facts were in regard to the killing of Bolton?—A. Only what I heard.

Q. If the facts were as claimed by the negroes, what would you say about the killing of Bolton?—A. I say it would be unjustifiable either by whites or blacks.

Q. You would not think it was right to defend a ballot-box with a pistol against a man who was taking it with a pistol?—A. I never saw any necessity for that.

Q. But if the statement was true, as the negroes claim? They claim that Bolton came in there with a pistol drawn and demanded the ballot-box at once, the first thing. Now, if that was true—you need not assume it was true—but if it was true, what would you say about his being killed; would you think it was a great outrage to kill a man under those circumstances?—A. Yes, sir; I should think it was.

Q. Suppose it had been a negro coming in there and demanding the ballot-box under those circumstances?—A. I do not think they had any right to do it.

Q. Would you surrender the box if you were in charge of it?—A. I think I would most surely surrender it before I would risk my life the way our politics are.

Q. You would not think it was right to defend the box?—A. It might be wrong in one sense of the word; circumstances alter cases.

Q. So even if you had known that the facts were as claimed, you would still have considered the killing of Bolton a great outrage?—A. Yes, sir; knowing all the facts about the matter, I do consider it was a cold-blooded murder.

Q. Without reference to what Bolton was doing or attempting to do?—A. Yes, sir.

Q. If a man should break into your house in the night-time and present a pistol—A. Oh, that is a different circumstance.

Q. But you would think you had a right to kill him, wouldn't you?—A. That is a different thing.

Q. I want to see how high you hold the right of voting, or the franchise to vote.—A. I think every man is entitled to his vote.

Q. But that right to vote you do not regard as much in value as you would a silver dollar that you might have in your pocket?—A. I do not think they go together.

Q. Which would justify you in killing the man who was trying to steal?—A. I do not think they go together; I think it is a different thing altogether.

Q. You have not heard of any attempt to punish the men who stole the box at Graball?—A. I do not know that I have; the sheriff of our county went down there during those troubles.

Q. He did not go down for that purpose, did he?—A. I do not know.

Q. Didn't he go down on the application of Mr. Roberts to overawe the negroes, who they were afraid were going to have an uprising?—A. I don't know what he went for. I don't know who stole the ballot-box, either.

Q. Nothing was said about the loss of the box at Graball by the speakers at this meeting?—A. I think there was something said there, but I will not be positive though. I do not remember everything that was said in the meeting. There may have been something said with reference to that; I do not remember.

Q. I mean by any of the speakers at the meeting?—A. I do not think there was; I do not remember all that was said.

Q. If there was any allusion made to the taking of the box at Graball and the stealing of the box from the custodians of the Lotts' box or the

Flewellen affair, I mean in regard to the boxes and not to the killing, just tell which of the men condemned it?—A. I heard some talk about it.

Q. Did you hear any talk about it from the speakers on the stand?—A. I may have, but I do not remember what was said.

Q. Do you remember that anybody did say anything?—A. I do not remember; I cannot say; I will not be positive.

Q. Have you looked over the newspaper report to-day?—A. I have not read but very little of this that has been given in here.

Q. I mean the newspaper account which was published at the time?—A. I suppose I read it at the time, but I do not remember.

Q. Are you willing now to say that Colonel Giddings, or any of the speakers at that meeting, denounced the outrages on the ballot-boxes at that time?—A. I do not remember whether anything was said in regard to that; I do not remember all that was said. I am a little hard of hearing, and some portions of the speeches I did not pay any particular attention to.

Q. But in the portion of them that you did hear, you heard nothing in regard to the denouncing of the outrages on the ballot-boxes?—A. Yes, sir; I think the way things were presented there, that a committee was appointed from each precinct to see what was going on.

Q. You spoke about Mr. Moore and said you did not know much about him?—A. I know very little of him.

Q. Was he chief of the fire department?—A. He was, I think, at one time.

Q. Do you know whether he held a pretty high and creditable position in the masonic fraternity down there?—A. I do not know.

Q. You never heard it?—A. I never heard it, and don't know anything about it.

TESTIMONY OF BOLING ELDRIDGE.

BOLING ELDRIDGE, having been duly sworn, was interrogated as follows:

By Mr. PUGH:

Question. What is your full name?—Answer. Boling Eldridge.

Q. Where do you reside?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. About thirty-seven years.

Q. Were you in Brenham the day that the public meeting was held after the election of this last year?—A. Yes, sir.

Q. Tell what that meeting was called for, and what was done and said, as well as the character of the people who attended it.

Mr. EVARTS. Is this the Eldridge Hall meeting which has been spoken of?

Mr. PUGH. Yes.

The WITNESS. There was a good deal of excitement about that time. I was attending to my business, and heard that a meeting was called there on account of the killing of Bolton, and other rumors which were afloat. You could hear almost anything at that time.

Q. But those rumors were afloat, were they?—A. Yes, sir.

Q. What effect did they seem to have upon the people; what was the condition of feeling there?—A. The people were very much excited, so far as I could see, and held a meeting which was largely attended.

Q. What were these rumors which you speak of?—A. The rumor was that the negroes were arming themselves, and that probably there would be a fight between the races; that was about the meaning of it.

Q. And the killing of Bolton?—A. Seemed to have been the cause of it.

Q. That seemed to have been the beginning of it?—A. Yes, sir; so far as I know.

Q. What was said about the killing of Bolton being the beginning of that work, of that conviction among the negroes, or the effect of the teachings among the negroes by whites, or whatever was said about it? State as well as you remember, if you know anything—A. I do not know much about that. It was stated that during the canvass there were speeches made that tended to excite the negroes and bring about a hard feeling between the whites and the blacks; I heard those rumors.

Q. To stir up the race feeling?—A. That is about what I heard; yes, sir. I did not attend any of the meetings, and did not hear any of the speeches.

Q. Do you know anything about the move to combine the members of both parties in forming a People's party, and getting up a People's ticket?—A. Yes, sir; I recollect about the time that it organized.

Q. What year was that?—A. That was in 1884, I believe; that was the first year, I think.

Q. Why was that combination made or entered into?—A. I think, as best I know, that the people, the best people in the Republican party, were tired of the Republican administration of affairs in the county, and that they were willing to come together and put up the best men for the offices; that was about it. I know I opposed it, and did not want it.

Q. That related to the county offices?—A. Yes, sir.

Q. You wanted to preserve the Democratic organization?—A. Yes, sir; I wanted to put out a ticket; to call a convention and put out a ticket.

Q. They succeeded in forming a People's party and got out a People's candidate against your opposition?—A. Yes, sir; they succeeded in getting the ticket out, and elected it.

Q. Then from the time that People's party was formed was there any politics, any Republicanism or Democracy in it?—A. No, sir; nothing at all.

Q. That combination was made to keep the county offices in the hands of honest, qualified men?—A. Yes, sir; that was about what it was.

Q. Were the candidates selected without regard to politics, and with reference to their qualifications chiefly?—A. They were selected because of their qualifications, I think. There were some Democrats on the ticket and some Republicans. It was a People's ticket, it was no Democratic ticket, but a ticket gotten up and selected by the people.

Q. Who elected or tried to elect that ticket, the members of both parties, and all classes?—A. That is what I understand. I reckon there were a good many negroes who voted for it, and Republicans, also.

Q. You mean a good many white Republicans?—A. Yes, sir. I understand it would not have been elected had not a good many of the white Republicans voted for it as well as Democrats. I do not know that all the Democrats voted for it.

Q. What do you know about any combination, movement, or understanding to drive Mr. Moore, Mr. Schutze, and Mr. Hackworth from the county?—A. I know nothing of that.

Q. Did you ever hear anything of that sort discussed, anything said about it at that public meeting?

The WITNESS. Do you mean the meeting at Eldridge Hall?

Mr. PUGH. Yes.

A. There was something said about it.

Q. What was said?—A. I think, as well as I recollect, that Judge Kirk was called upon to speak, and he stated in his speech that he heard that Mr. Hackworth, Mr. Potter, and others were advising the negroes to arm themselves, and had said that they would have the offices anyhow, or something to that effect; that those who had won the election were going to have and hold it, or something of that sort; and he was in favor, if they had made those talks to the negroes and had advised them to arm themselves, of waiting on them and inviting them to leave the county if they still insisted on this in their course. That was about what he stated. I recollect immediately after he made his speech, Colonel Giddings arose and advised them not even to go that far, or something of that sort. Judge Kirk then got up and said that he was excited perhaps, and a good deal younger than a great many in the house, and he advised them to take the advice of Colonel Giddings. That was about what occurred, as well as I recollect. There was nothing more said or done about it. That is the only time I heard of any organization or any mass meeting of the people or anything of that kind inviting those men to leave.

Q. Do you know the character of Mr. Hackworth and Mr. Schutze in that community where they live?—A. Their character as I heard it—

Q. State just as you gathered it from the people there by the expression of their opinion.—A. Well, it is very bad.

Q. What do you understand to be the cause of their low standing?—A. The people of our county believe that Mr. Hackworth has been the cause of a great deal of trouble between the negroes and the whites. They believe that he does it for the sole purpose of obtaining what little money there is in it for himself. This is the general belief, and that he would do almost anything to consolidate the negroes against the whites. It is believed that if it were not for Hackworth and people of his sort the negroes would be a great deal better off; that he gets them together and advises them to vote against their best interests. By that I mean the interests of the white people there, the best people, and, in working against their interests they work naturally against the interests of the negroes, because they are supported by that class of people. It is true they work some, but they are an ignorant set and never save any money, but spend nearly all of it, and before the time commences for them to work again they are out of provisions, and have to be supported and advanced to by those people. The best element, the best people in the country, have to support and advance money to them, and whenever their interest is affected they believe that the negroes' interests are affected just to that degree. I believe to-day that if it had not been for politics in our country the negroes would have been better off. I mean if they had not taken any part in politics at all it would have been better for them, and there would have been a better feeling between them and the whites. In other words, there is bound to be a bad feeling when a man goes and lives on a white man's place and differs with him in politics. For instance, a negro living on a man's place is advised to work against him politically and to vote against him, and to vote against that man's interests, and, as they are ignorant men, they will do so. And the very next day after the election the negro perhaps wants some advances from the white man, and of course it irritates the whites or the farmers they are working for, and is the cause of bad feeling between them. I believe if it were not for these bad men, who advise them in this way, there would be no trouble. I consider any man a bad man who

gets the negroes together and consolidates them against the best interests of the best people in the county.

Q. You say these men you have named teach the negroes in the way you have stated, and that it is their interest to do so, and that keeps them organized as a voting body there to advance the personal interests of the men who control them?

Mr. EVARTS. I do not think that is fair; he is confining his remarks to Mr. Hackworth.

The WITNESS. That is what our people believe, and that is what I believe.

Mr. EVARTS. But do you include all three of these men? I understood you to confine your observations to the political conduct of Mr. Hackworth.

The WITNESS. Well, to Mr. Hackworth and any other man who associates with him and his sort; they are the same people, office-seekers, who do not do anything but work for office, and they work with these ignorant negroes for that purpose. That is about the way our people look upon that class of politicians.

Mr. EVARTS. I do not understand the witness as yet to have said anything against Mr. Moore and Mr. Schutze, except in his general remark that they stood low.

Q. What do you say about those two men, Mr. Schutze and Mr. Moore being associated with Mr. Hackworth?—A. Their standing is naturally bad on account of their association with him. Mr. Moore was quite a decent man for a good long time there, and was regarded as a respectable man, and was respected; but now he is not that way respected.

Q. What is the cause of the change of that sentiment?—A. I suppose it is on account of his associations.

Q. You think it was on account of his associations?—A. Yes, sir.

Q. What was the character of his associations; what class of people did he act or mix with?—A. He has associated with the Republican or Radical party, which was, in our judgment, organized against the interests of the people. That party as a general thing in our country is made up of the worst elements. There are good men in the party, I have some good Republican friends, but as a general thing it is composed of worst the class of people.

By Mr. EVARTS :

Q. That is, the Republicans are of the worst class of people?—A. Yes, sir; but I said there were good Republicans in the party.

Q. What is your business in Brenham?—A. I am a merchant.

Q. Are you the owner of Eldridge hall?—A. Yes, sir.

Q. Is that a hall used for public meetings?—A. Yes, sir.

Q. And political meetings as well?—A. Yes, sir.

Q. Has it ever been used for Republican meetings?—A. No, sir; it has not. The hall, I will say, is rented or leased. We lease the hall; it is now leased.

Q. By you?—A. No, sir; I lease it.

Q. That is what I mean; you lease it to somebody?—A. Yes, sir.

Q. At this time was it leased to somebody?—A. Yes, sir.

Q. Who is your lessee there?—A. The Young Men's Literary Association.

Q. Is the whole building leased to them, or only the hall?—A. The hall.

Q. Are Democratic political meetings held in that hall?—A. No, sir; I have never known one to meet there.

Q. Then it is not let for political purposes, that hall is not?—A. I do not understand your question.

Q. I ask you if that hall was used by Democrats for political meetings?—A. Oh, well, they sometimes use it.

Q. Whenever they want to?—A. Yes, sir; when the people want to come together, as a general thing they meet there, since they cannot meet at the court-house.

Q. Then the Democratic political meetings are held at that hall?—A. Not all of them.

Q. Where else are they held?—A. I think the most of the meetings have been held at the opera house. There has never a convention met at the hall, I think, except the district convention to nominate for Congress; I think that is the only one.

Q. You think Democratic political meetings are not held there at Eldridge hall and have not been except in one particular case?—A. No, sir, I didn't say that; I said I did not recollect any meetings.

Q. Now, I will ask you one question and I will be glad to have you answer it; I have no doubt you intend to answer it. Are Democratic political meetings held usually at Eldridge Hall?—A. I don't recollect of a Democratic meeting being held at the hall except this one I alluded to. Perhaps I could be refreshed on it; there may have been others.

Q. There is another building, called the opera house, at which political meetings are held?—A. There have been political meetings held there.

Q. Is that the usual place where political meetings are held?—A. Well, sir, we have a new court-house, and I think before this new court-house was built the opera house was the usual place for holding political meetings. That court-house has been finished about two years.

Q. At the time these affairs occurred—from 1884 to 1886—were Democratic political meetings held at Eldridge Hall?—A. I think not.

Q. Except one?—A. That is all I know of.

Q. And that one was before?—A. Yes, sir; it was before.

Q. Then none have been held there?—A. I do not recollect. There may have been. The hall is out of my possession.

Q. That you have already told us. We are not repeating anything?—A. Don't understand me to say that any political meeting has been held there. I say none that I can recollect.

Q. Then, so far as you know, there was no Democratic political meeting held at Eldridge Hall at any time during the last two years?—A. That I can remember.

Q. That is exactly what I put in. Now, during the last two years have there been any Democratic political meetings held in that town?—A. Democratic political meetings? I think there has been none unless it was to send delegates to the State convention or some district convention, and those were held, I think, at the opera house. I do not think there was any county meeting at all. It was the district and State convention to nominate a governor at this last election.

Q. During the last two years have there been any People's political meetings held at Eldridge Hall?—A. I do not think they have had any meetings. I do not think the people have had but one meeting, and that was held at the McIntire House.

Q. Are there Republican political meetings held in Brenham?—A. I reckon so.

Q. Where have they been held during the last two years?—A. I suppose they held them at what is called Camp Town.

Q. Is that a part of Brenham?—A. Yes, sir; it is a part of Brenham.

Q. What hall or building is there there?—A. I think they used a church.

Q. A colored church?—A. Yes, sir. They have several large churches there, and I think they used a church.

Q. Do you think that all the trouble there has been down there, whatever it has been, between the colored people and the white people, has been caused by politics?—A. I do not say that all the trouble has been caused by that; there may have been other private troubles or something of that sort. But I believe that if it had not been for politics they would have been better off, and the people would have gotten on better.

Q. You mean the colored people?—A. Yes, sir.

Q. And you think the white people would be better off also?—A. Yes, sir.

Q. Then you think it is politics that has made the trouble out there, if there has been any, between the two races?—A. I think it originated from that; yes, sir.

Q. Do you think it would be better if the colored people had not the right of suffrage?—A. Well, sir, I have considered the question in my own mind and debated it, and really I believe it would have been better; I do sir; that is my opinion.

Q. That is your view and has been?—A. Yes, sir. There is no feeling against the negro; I believe that I am as good a friend to him as any one.

Q. Now suppose they had the right of voting, and the right of American citizens in politics, what have they done wrong in regard to those rights down there that you can describe to this committee?—A. I do not know, sir, that they have done wrong, if they have a right to vote.

Q. Now what has Mr. Hackworth done wrong, if the right of suffrage in the colored people, and their rights in politics, are on a level with the rights of white people, by the law; what has Mr. Hackworth done wrong in politics?—A. I did not say that it was wrong.

Q. I ask you what Mr. Hackworth has done wrong?—A. I do not think that he has done any wrong there.

Q. Then if there was a right to exercise political powers and to unite on a ticket and oppose an opposite ticket, have you any complaint to make of Mr. Hackworth's mode of so uniting people in politics, on one side, at elections?—A. I do not deny his right and I do not think the people deny that right.

Q. Well, what has been done that is wrong in exercising that right?—A. I do not think he has done anything wrong.

Q. In exercising that right?—A. No, sir; if he has a right to do it.

Q. His manner of doing it you have not complained of?—A. Well there has been a great deal said——

Q. But I am asking you if you have any condemnation of Mr. Hackworth's mode of uniting his political party against the opposite party for the exercise of the suffrage at the polls?—A. Mr. Hackworth has a right, I suppose, to consolidate them if he can.

Q. Very well; we have had that three or four times over. Now of his manner of doing that which he had a right to do, have you any complaint to make?—A. If everything has been done that I hear, if it is true, the manner and mode of consolidation has been wrong. I have heard that the negroes said that they would be turned out of their societies. They belong to a good many lodges and societies, I am told, and I have heard that the negroes say that if they voted against the Republican ticket they would be turned out of those societies, and such as that.

Q. But I am talking about Mr. Hackworth now; did he say so?—A. I presume that was his course.

Q. Oh, you presume so?—A. I never heard Mr. Hackworth make a speech in my life, and I never heard any conversation that Mr. Hackworth had with any of the negroes.

Q. My question was confined to Mr. Hackworth's mode of conducting politics. If he had the right to conduct politics there, I ask you if you have any complaint to make as to his manner of conducting it?—A. I think that would be wrong if it was true.

Q. It is not a question of whether it would be wrong. I ask you whether you know or say anything of Mr. Hackworth's manner of conducting this right?—A. I never heard Mr. Hackworth make a speech, and I never heard Mr. Hackworth give any advice to his party, and I do not know—that is the way I answered.

Q. Then you do not pretend to say here that Mr. Hackworth did anything wrong in his politics?—A. No, sir; I do not.

Q. Outside of Mr. Hackworth's politics, what ground is there for your opinion that he did not stand in good repute there?—A. Well, sir, it is stated that he squandered the money of the county.

Q. Do you mean when he was in office?—A. Yes, sir; when he was in office.

Q. That was in 1871 and 1872?—A. Somewhere about there; I do not recollect the dates.

Q. It was about the roads and bridges?—A. Yes, sir; roads and bridges and such things.

Q. Very well, we know when those things happened. Now is there anything else you can state?—A. No, sir; nothing that I know of.

Q. Now about Mr. Moore. What was the ground on which you classified his standing as low in the opinion of his fellow-citizens there?—A. I only put it on the basis of his associations.

Q. His associations with whom?—A. With Mr. Hackworth and that class of people.

Q. In politics?—A. Yes, sir.

Q. And that is all?—A. That is all I know, yes, sir.

Q. Then we have your complaint of Mr. Hackworth and your complaint of Mr. Moore, as associating with Mr. Hackworth and those like him in politics?—A. Yes, sir; he stood very well in the community before this occurred.

Q. Is Mr. Moore's family well known there?—A. Yes, sir.

Q. In society they visit back and forth with your best people, your best families, do they not?—A. I do not know, sir, but I presume so.

Q. You know nothing to the contrary?—A. No, sir.

Q. What is your complaint about Mr. Schutze that leads you to say that he did not stand well with his neighbors in reputation?—A. I know nothing about Mr. Schutze; I do not know anything, of my own knowledge, about him. I know his general standing.

Q. What you have heard against him is about these political matters?—A. Yes, sir; and other kinds of things. I have heard so much about him that I would not like to undertake to tell it.

Q. Do you know of anything being done in your county down there, or in your town, to ferret out and punish those who were engaged in these outrages on the ballot-boxes?—A. I do not know of anything having been done.

Q. Do you know of anything being done in Brenham to find out the guilty parties engaged in the hanging of these colored men and to punish those guilty parties?—A. I do not know that anything has been

done in regard to the election; I think they did send down to Austin to get witnesses just before we started.

Q. But up to that time there had not been anything done?—A. No, sir; not that I know of.

Q. Now in regard to the hanging of the three colored men at the jail. Do you know of any movement of the people down there to find out and punish the guilty parties in that matter?—A. No, sir; I do not know of any movement of that kind.

TESTIMONY OF HERMANN FISCHER.

HERMANN FISCHER, having been duly sworn, was interrogated as follows.

By Mr. PUGH:

Question. What is your name?—Answer. Hermann Fischer.

Q. Where do you reside?—A. I reside in Brenham.

Q. What business do you do there?—A. I am a merchant.

Q. How long have you been engaged in that business?—A. About nineteen years.

Q. You are pretty generally acquainted with the people of that county and neighborhood?—A. Yes, sir.

Q. With the white and black people?—A. Yes, sir.

Q. What have been your politics?—A. I am a Republican.

Q. What have been your politics since you resided in Brenham?—A. Republican.

Q. When did you last vote the Republican ticket?—A. In 1882; the county ticket.

Q. Since that time what ticket have you supported?—A. The People's ticket.

Q. What ticket was that; a ticket to fill county offices?—A. Yes, sir.

Q. And no other than offices in the county?—A. Only the county offices.

Q. Why was it that you joined the people in making that party and in nominating that ticket; what was the cause of that?—A. We were dissatisfied with the Republican officers.

Q. The Republican government of the county, or the Republican management of the county?—A. Yes, sir; with the officers.

Q. What was the character of the people engaged in this movement to unite and elect the People's candidates to those offices?—A. They were the very best elements in the county.

Q. And that element was made up by Republicans and Democrats?—A. Yes, sir.

Q. Who were the opposing candidates for those county offices against the People's ticket in the last election?—A. So-called Republicans.

Q. Were all the candidates for county offices on the Republican ticket Republicans?—A. Yes, sir.

Q. Then the Republicans put their ticket out by that name; it was a Republican ticket?—A. Yes, sir.

Q. Was the People's party formed, and were these candidates nominated by them, so as to break down the Republican party; did you gentlemen think to break down the Republican party as a party, and to defeat Republican principles and Republican policy?—A. No, sir; not at all.

Q. Then there was no purpose of that sort in the People's organization?—A. No.

Q. That was not the object of nominating those candidates?—A. No.

Q. Then what was the object?—A. We wanted to get able and honest officers.

Q. For the county government?—A. Yes, sir.

Q. Do you know Mr. Hackworth?—A. Yes, sir.

Q. How long have you known him?—A. I think every since I have been in Brenham.

Q. What has been and is his standing there in that county; his general character and standing?—A. His reputation is very bad there.

Q. What is the cause of that, in your judgment? Why is it that he has that standing, and that reputation and character among the people there?—A. His association with negroes.

Q. His associations are with negroes?—A. Yes, sir.

Q. What is the idea, if there is any, as to the purpose of that association; what use does he want to make of those negroes?—A. He wanted to get elected by them to office.

Q. He wanted to get possession of the county offices by their vote?—A. Yes, sir.

Q. That is your opinion, and that is the general understanding?—A. Yes, sir.

Q. Now, what use does he want to make of the county offices when he gets them, and what use has he made of them when he had them?

Mr. EVARTS. I suppose you mean to confine yourself to the general sentiment down there?

Q. I want your judgment and the opinion of the people there as to the cause they had for nominating these People's candidates. Why did they want Schutze and Hackworth defeated; why did they want to prevent them from getting possession of those county offices?—A. Because they had tried them before.

Q. You had some experience of what use they would make of them if they got them again?—A. Yes, sir.

Q. When they had them what was the condition of the county funds and credit, and the character of the county improvements?—A. Our scrip was worth about 50 to 65 cents, and now it is at par.

Q. Then after they were turned out, and the people elected their candidates, how long was it before the county credit got up to par and everything in the county was in a healthy condition?—A. It was one or two years later.

Q. And that is the present condition of the county?—A. Yes, sir.

Q. Has that been made so by turning out these men and putting better men in, or what has been the cause of it?—A. Yes, sir; that was the cause.

Q. Do you know of any instances showing transactions, propositions, or offers from Mr. Hackworth that, in your judgment, were dishonest or proves what sort of a man he is, what sort of character he has; if so, give any instances you can?—A. Mr. Hackworth made me once a proposition to go out about a mile from there to an old farmer and make him drunk and swindle him out of his farm.

Q. What was the name of that man?—A. I think his name is Murf.

Q. Who was this man; what sort of a man was he?—A. He was an old bachelor.

Q. What was his intelligence and capacity to contract and deal for

himself; what sort of sense did he have?—A. I think he did not have good sense.

Q. He was rather a weak-minded man?—A. Yes, sir.

Q. What did Mr. Hackworth propose to you to do?—A. He asked me to join him and go along and take a bottle of whisky there and make him drunk and buy his land; swindle him out of it.

Q. What answer did you make?—A. I declined, certainly.

Q. When was that?—A. I think that was about five or six years ago.

Q. Can you name any other transactions or acts of his in the same direction?—A. No, sir; that is about the only one I recollect. I did not have any dealings with him for several years.

Q. Who was to furnish the money to buy the farm of this old man?—A. I was to furnish the money.

Q. He wanted you to furnish the money?—A. Yes, sir.

Q. What part did he propose to act?—A. To make out the deed.

Q. To make the purchase?—A. Yes, sir.

Q. Was he to make the contract if you were to furnish the money?—A. Yes, sir.

Q. Who was to do the trading if you were to furnish the money?—A. He was to do the trading.

Q. Do you know Mr. Schutze?—A. Yes, sir.

Q. What is your understanding of his general character there among the people?—A. His character is very bad. He is not allowed in a respectable family.

Q. He is not allowed in a respectable family?—A. No, sir.

Q. What do you know about the state of feeling there about the time Boulton was killed and from that time down to the election? State if there was any excitement in the county; and, if so, the cause of it.—A. There was some excitement about there.

Q. What was the cause of it?—A. The hanging of Boulton.

By Mr. EVARTS:

Q. You mean the killing of Boulton?—A. Yes, sir; I mean the killing of Boulton.

By Mr. PUGH:

Q. That was the cause of the excitement?—A. Yes, sir.

Q. Did you hear any rumors or reports there about the negroes combining in any part of the county?—A. Yes, sir.

Q. What were they combining to do?—A. The rumor was they were arming themselves.

Q. Was there any talk about who had influenced them to arm themselves; was there any talk about that and was anybody charged with teaching the negroes and advising them to arm for any purpose; and, if so, what?—A. Yes, sir; and expressly Lockett and Gilder, they were the ones.

Q. Who was this Gilder, and how was he related to Mr. Moore?—A. He is brother-in-law to Mr. Moore.

Q. What was Gilder's standing and character among the people?—A. I didn't know much about him; he is a young man.

By Mr. EVARTS:

Q. What is your business in Brenham?—A. I am a merchant.

Q. In what line of business?—A. Groceries and agent for beer.

Q. Do you keep a drinking saloon?—A. Yes, sir.

Q. What other business are you engaged in besides keeping a drinking saloon?—A. The grocery business.

Q. You are a dealer in groceries?—A. Yes, sir.

Q. And also keep a saloon?—A. Yes, sir.

Q. At the same place?—A. Yes, sir.

Q. How long have you been a keeper of a liquor saloon?—A. Since 1873, I think it was.

Mr. PUGH. Will you allow me to ask him what was the extent of his business and whether it was a retail or wholesale grocery business?

The WITNESS. Both wholesale and retail business.

Mr. PUGH. What amount of business do you transact in the course of a year?

The WITNESS. Altogether about \$150,000.

Q. How much of your business, how much of that \$150,000, is the selling of liquor?—A. We sold last year about \$50,000 worth of beer.

Q. Do you sell other liquors as well?—A. Yes, sir; I am a wholesale liquor dealer.

Q. And you sold \$50,000 worth of beer?—A. Yes, sir.

Q. How much did you sell of other liquors?—A. I hardly can tell.

Q. Well, as near as may be?—A. Some \$10,000 or \$15,000 worth.

Q. At wholesale?—A. At wholesale and retail.

Q. How much was the amount of your business in the liquor saloon there selling liquor?—A. Some \$5,000 or \$6,000, about.

Q. In a year? Do you mean of profits or of sales?—A. Sales—the bar-room, you mean?

Q. Did you want to buy this man's farm you told us about?—A. No, sir; I never intended to buy it. Mr. Hackworth made me the proposition.

Q. I ask you if you wanted to buy the farm at all?—A. No, sir.

Q. You had not shown any desire to buy the farm?—A. No.

Q. Did you want to buy any farm?—A. No.

Q. Was Mr. Hackworth a real-estate dealer at the time?—A. I think at the time he was justice of the peace.

Q. But was he a real-estate dealer or broker?—A. I do not know whether he was at the time or not.

Q. All that happened was that he proposed to you that you and he should go out there and make the trade for this farm? Who was to have the farm, you?—A. No; we proposed to buy it in partnership.

Q. On equal shares?—A. Yes, sir.

Q. You were to have an equal share with him?—A. Yes, sir.

Q. That was named, was it? What was the price named for it?—A. There was no price named.

Q. You did not go as far as to consider what the price would be?—A. No.

Q. And he did not name it to you?—A. No.

Q. What was the property worth?—A. I have no idea; I never have seen it.

Q. You had no idea then and you have not any now?—A. No, sir; either then or now.

Q. Was it your idea that Mr. Hackworth wanted to get this farm for less than it was worth?—A. Yes, that was my idea.

Q. And yet the price was not mentioned one way or the other?—A. No, sir.

Q. How much less than it was worth did you think he wanted to get it for?—A. He thought he could get it at a very small price after getting him drunk.

Q. What price did he name?—A. He did not name the price.

Q. And you had no idea what the land was worth?—A. No.

Q. Nor how much less it could be gotten for?—A. No.

Q. You did not want a farm anyhow?—A. No sir.

Q. And you did not wish to join in an improper action of any kind, I suppose?—A. No.

Q. How long had you been acquainted with Mr. Hackworth?—A. Ever since I was in Brenham; since 1868.

Q. Were you his bondsman in filling a public position?—A. I do not think I ever was; I do not recollect; it must have been a long time ago.

Q. Were you not on his official bond from 1880 to 1882?—A. I may have been; I do not know.

Q. As deputy assessor of taxes or as justice of the peace?—A. I do not recollect now whether I was or not.

Q. You would not have objected if you had been asked to become his bondsman, would you?—A. I do not know. I would not do it now since the last four or five years.

Q. I am speaking of that time.

Mr. PUGH. The assessor did not have much to do with money matters.

Q. Was Mr. Hackworth a candidate for office in 1886?—A. No, I think not.

Q. Was he in 1884?—A. I cannot tell, indeed.

Q. Do you remember whether he was a candidate for justice of the peace in 1880?—A. I don't recollect.

Q. Do you know whether he was a justice of the peace from 1880 to 1882?—A. He was justice of the peace, but I don't recollect whether it was at this time.

Q. Was there anything wrong in his conduct while holding the office of justice of the peace from 1880 to 1882?—A. Yes, I heard about those bridges and letting out those contracts to his father, and so on.

Q. You heard of his contracts about bridges and roads?—A. Yes, sir.

Q. Wasn't that it 1871 and 1872?—A. I do not know; I do not recollect when it was.

Q. Don't you know whether it was lately or fifteen years ago?—A. I don't recollect when it was.

Q. Did you ever hear of his misconduct in office, except in what was alleged about road and bridge contracts?—A. That is about all.

Q. And we have the evidence about that. What office did he hold, and what did he have to do about roads and bridges whenever it was?—A. He had to give out contracts to repair roads and build bridges.

Q. Don't you know that it was as presiding judge in court that he gave out the contracts?—A. I don't know about that.

Q. You never heard that he was a contractor himself, did you?—A. No, sir.

Q. Where did you get the idea that anything had been wrong on his part?—A. From hearsay.

Q. Only from hearsay?—A. Yes, sir.

Q. At the time he was in office you heard of it, didn't you?—A. Yes, sir.

Q. But can you name any circumstances or any of his conduct while in office which laid him open to your disapproval except this road and bridge business?—A. No; that is all.

Q. Now you say that the people wanted to make a change in 1884?—A. Yes, sir.

Q. Was it to get rid of the Republican administration in local affairs?—A. Not at all; it was to get rid of these officers and those office-seekers.

Q. To get rid of Republican officers and office-seekers?—A. No, sir; not at all. We have no Republican officers.

Q. Give me the names of the people you wanted to get rid of?—A. Well, there was Schutze.

Q. What office did he hold?—A. He was running for county judge.

Q. In 1884?—A. No, in 1886.

Q. Then Schutze was not in office in 1884?—A. No.

Q. Nor a candidate?—A. No, sir.

Q. And Hackworth was not in 1884?—A. No, sir.

Q. Was Moore a candidate or an officer in 1884?—A. Yes, sir.

Q. What office did he hold?—A. I think he was candidate for the sheriff's office.

Q. In 1884?—A. Yes, sir.

Q. Did you vote for him?—A. Yes, sir; I voted for Mr. Moore and all the balance of the People's ticket.

Q. You did not want to get rid of Mr. Moore, then?—A. No; not at that time.

Q. Either as a Republican or an office-holder, or candidate; you voted for him?—A. Yes, sir.

Q. Have you anything to say against Mr. Moore's character or reputation in that community?—A. No, I have nothing to say against him, only he is owing me.

Q. That is a personal matter; but I mean do you know anything against his character or reputation?—A. No, sir; nothing otherwise.

Q. You do not know anything against him?—A. No, sir.

Q. Mr. Moore owed you money when he left there?—A. Yes, sir.

Q. Did he try to make a sale of his property to you and pay his debt out of it?—A. Yes sir; he offered me his property to sell there.

Q. I mean about his leaving there. Did he want you to buy his property so that he could pay your debt out of it?—A. Well, he made me that offer once.

Q. And you did not accept it?—A. No.

Q. What was the price he named to you; was it exorbitant, too great?—A. Yes, sir.

Q. What was the price he asked?—A. Five or six thousand dollars.

Q. What do you think it was worth?—A. I did not intend to buy it.

Q. In any event?—A. No.

Q. When in date, about what time, was there any bad administration in local affairs by the Republican party; what date was it that you first knew about it; what date was it that you knew of a Republican administration being a bad one, to be gotten rid of; locally, I mean?—A. It was in 1882.

Q. That was the first you heard of it; 1882 was the first bad administration that you heard of?—A. No, sir; it was before this, 1870 and 1871.

Q. But you kept on voting the Republican ticket down to 1884?—A. Yes, sir.

Q. How many Democrats got into power by means of the People's ticket in 1884?—A. That is more than I can tell.

Q. Give me the names of some of the principal ones?—A. I think they were about half Republicans and half Democrats.

Q. Give me the principal offices they got into in 1884. Did Judge Kirk get into any office there?—A. Yes, sir.

Q. Give me some of the others?—A. They elected Mr. Schlenker as tax collector and Mr. Herbst and Mr. Minkwitz—no, he got in in 1886.

Q. What was his office?—A. He was treasurer.

Q. Those were all important offices, were they not?—A. Yes, sir.

Q. Have you named the sheriff there?—A. No, sir; N. E. Dever was sheriff.

Q. He got in as a Democrat in 1884 on the People's ticket?—A. Yes, sir.

Q. And all these places that these Democrats got on the People's ticket were places that the Republicans had filled before?—A. Yes, sir.

Q. Were the Republicans who were in office in 1884, the ones who were turned out by the People's ticket, the sheriff, county judge, assessor, treasurer, and collector, were they bad men?—A. Well, we were dissatisfied with them.

Q. You might have been dissatisfied with good men, you know. But I ask you if they were bad men in the conduct of public affairs?—A. Yes, sir.

Q. They were?—A. Yes, sir; the treasurer was.

Q. Who was he?—A. Mr. Leib; he stole our funds.

Q. Now, who were the others; was the sheriff a bad man?—A. No, I cannot say that he was a bad man.

Q. Who was he?—A. I think Mr. Moore was sheriff at that time.

Q. This Mr. Moore who is here?—A. Yes, sir.

Q. You voted for him?—A. Yes, sir.

Q. Was the Republican assessor a bad man?—A. I did not vote for him.

Q. I did not ask you that. I ask you whether he was a bad man; Joe Hoffmann, is he a bad man?—A. I cannot say that he is a bad man.

Q. Was Ansler a bad man?—A. He didn't run for office; he was not a candidate in 1884.

Q. How about Joe Fischer; is he a good man?—A. I do not think much of him; I am no friend of his; I did not vote for him.

Q. I did not ask you that; you voted the People's ticket. I want to know whether he is a bad man. You say you were a good Republican yourself and voted against bad Republicans and in favor of Democrats?—A. Yes, sir.

Q. Because they were bad men. Now I want to know if this Joe Fischer was a bad man in 1884. You voted against him; was it because he was a bad man, or because he was on the Republican ticket?—A. I think his opponent was more able.

Q. Who was the Democrat that you voted for against him?—A. Mr. Schlenger.

Q. You thought he was an abler man?—A. Yes, sir.

Q. But you did not think that Mr. Fischer was a dishonest man, did you?—A. No, sir; I did not think that.

By Mr. PUGH:

Q. You did not say that Mr. Schlenger was a Democrat, did you?—A. No, sir.

Q. Mr. Schlenger was a Republican on the People's ticket?—A. Yes, sir.

By Mr. EVARTS:

Q. In 1884 did you vote, except in local matters, the Republican ticket?—A. In 1884 I voted the People's ticket, with the exception of Moore.

Q. I ask you if you voted the Republican ticket outside of local politics?—A. Yes, sir.

Q. We had a candidate for Presidency in 1884?—A. I voted for Blaine.

Q. And for the Republican governor?—A. Yes, sir.

Q. Did you ever have in your neighborhood, in Washington County, a raid on the ballot-boxes coming from the Republican party or candidates or voters?—A. That is more than I know; I heard of it. All I know about it is from hearsay.

Q. When was that?—A. I cannot say.

Q. I ask you if you ever heard in your county of Washington of a raid on the ballot-box by Republicans or by the Republican party?—A. Yes, sir; during this last election.

Q. You mean in 1886?—A. Yes, sir.

Q. Did you think that was a Republican movement, this raid on the ballot-boxes?—A. That is what I am told.

Q. You mean the raid at Flewellen?—A. Yes, sir.

Q. Do you say that was a Republican raid?—A. That is what I am told.

Q. The raid on the ballot-box?—A. Yes, sir.

Q. Well, where else was it, at Graball?—A. It was only at one place—yes, it was at Graball, too.

Q. And at Lotts' post-office?—A. I don't know anything about that.

Q. You think that raid was in the interest of the Republican party to break up the election and defeat the Democrats, do you?—A. That is what the opinion is down there; that is what I was told.

Q. Did you think that Boulton was a Republican?—A. No; I am told he was a Democrat.

Q. Now, this is quite new, your notion that this was a Republican raid on ballot-boxes. Is there anybody else there who agrees with this view of yours?—A. Yes, sir; a great many.

Q. A great many think that that raid which Boulton was at the head of, where he was killed, was a Republican movement?—A. I could not tell you.

Q. Then you do not know anything about that? Was there any Democratic raid against the ballot-boxes in Washington County at any of the polls, or after the polls were closed, in the election of November last?—A. That is more than I can say; I don't know whether they were Democrats or Republicans.

Q. You took no interest in it at the time?—A. Not much.

Q. Nor care anything about it now? Do you say that you knew nothing about it at the time, whether they were Democrats or Republicans who were engaged in these raids; and you do not now know or care anything about it?—A. I don't know whether it was Democrats or Republicans.

Q. Up to this time you do not know?—A. No, sir; I do not know.

Q. Do you think it was a good thing to make a raid on the ballot-boxes, and to carry them away and break up the election; do you think that was a good thing to do?—A. No, sir; I do not.

Q. You do not?—A. No, sir.

Q. Was it done by the People's party?—A. That is more than I can tell.

Q. Was it done to elect the People's ticket and defeat the Republican ticket?—A. I do not know.

Q. You do not know anything about it?—A. No, sir.

TESTIMONY OF JOSEPH TRISTRAM.

JOSEPH TRISTRAM, having been duly sworn, was interrogated as follows :

By Mr. PUGH:

Question. Please give your full name?—Answer. Joseph Tristram.

Q. Where do you reside?—A. At Brenham.

Q. How long have you resided there?—A. I have been there since February, 1875.

Q. In what business are you engaged?—A. I am a druggist.

Q. What is the extent of your business there?—A. It amounts to from \$18,000 to \$24,000 a year.

Q. And you are a property holder there outside of the drug business?—A. Yes, sir; I pay taxes to the amount of \$20,000, that is on \$20,000.

Q. Do you mean outside of the drug business?—A. No, sir; I mean everything included.

Q. You pay taxes on \$20,000 worth of property?—A. Yes, sir.

Q. Are you interested in the national bank there?—A. Yes, sir.

Q. In its stock?—A. Yes, sir.

Q. Who is the president of the national bank there?—A. Mr. F. A. Engelke.

Q. How are you related to him?—A. I am his son-in-law.

Q. Were you in Brenham when that public meeting was held in Eldridge Hall?—A. Yes, sir.

Q. Did you attend it?—A. Yes, sir; I was there.

Q. Now give us your knowledge of that meeting, the character of it, what it was called for, and what it did?—A. The meeting was called and Colonel Giddings made a speech congratulating the people on the victory which had been won by the citizens' party and condoling at the same time the murder of Dewees Boulton. After that, several other speakers got up and made remarks of the same kind.

Q. What gave rise to that meeting?—A. First, it was to praise the battle won, and secondly, to condole the killing of Dewees Boulton.

Q. Were there any rumors of the negroes combining?—A. Oh, certainly. There were rumors from Graball that the negroes were rising in masses and they were trembling.

Q. Were those reports pretty generally circulated?—A. Yes, sir; they were circulated pretty generally.

Q. Did the people there seem to credit them?—A. Most certainly; I believed they were true.

Q. The killing of Boulton, in connection with the reports of that combining of the negroes, caused this feeling, this excitement?—A. Yes, sir.

Q. And the meeting was called for the purpose of providing against danger and trouble, was it?

Mr. EVARTS. He said it was to congratulate on the success of the People's ticket and to condole with Boulton.

Q. But the meeting was called for the purpose of providing against danger and trouble, was it?—A. I do not want to put it in that way. There was no protection called for. Nobody in the citizens' meeting spoke about having to act or take arms or anything of that kind.

Q. I want your idea of the character of that meeting and the purposes of it, what it was called for?—A. It was called just to congratulate the people of the county on the election of the officers, and to put on rec-

ord the death of Dewees Boulton, and they wanted to see what action should be taken in case of an uprising by the negroes.

Q. You wanted to see what action should be taken in case there was a rising of the negroes?—A. Yes, sir.

Q. Now, what sort of people attended that meeting?—A. The very best that Washington County holds; the very best.

Q. Does Washington County hold murderers, and law-breakers, and men who resort to mob-violence, and all that sort of thing?—A. No, sir; I have never seen anything of that kind.

Q. That is not the character of the people in Washington County?—A. No, sir; not as I know it.

Q. How do the people of Washington County compare with the people of other counties in Texas?—A. I think they are much better there than in any other county.

Q. Where did you come from when you went to Washington County?—A. I was clerking in New Orleans.

Q. Have you ever resided in any Northern State?—A. I have resided in Saint Louis for two years, and I lived in Illinois for about a year, and was in New York probably eight weeks.

Q. What has been your politics; what party have you acted with there?—A. My action has not been very prominent, but I have always voted for a Democratic President, and in county politics I haven't any politics at all. I never have voted the straight ticket except on the last two elections. I always took the best men of either party, and voted for them.

Q. Did you have anything to do with the late war?—A. No, sir; I was too young then.

Q. You were not a soldier on either side during the war?—A. No, sir.

Q. What is your age?—A. I am thirty-seven years old.

Q. Do you know Mr. Hackworth?—A. Yes, sir.

Q. What knowledge have you of his general character and standing there in that community?—A. He is a mighty hard character.

Q. A very hard character?—A. Yes, sir.

Mr. EVARTS. He said a mighty hard character.

Q. Why has he that sort of a character there, what is the reason of it?—A. I expect that he makes himself disagreeable to his friends, and associates with people who ought to be below his association.

Q. That is the character of his associations?—A. Yes, sir.

Q. What sort of people does he mix with, run with, or associate with?—A. Negroes, mostly; at least whenever I saw him I saw him with negroes.

Q. What was the political character of that meeting at Eldridge Hall?—A. None whatever; we have no politics in Washington County.

Q. Was it either Republican or Democratic?—A. No.

Q. Were there Republicans and Democrats in that meeting?—A. Certainly; yes, sir.

Q. The best people of either side?—A. Yes, sir; of either party.

Q. There are a great many Germans in that county?—A. Yes, sir; there are.

Q. Are you a native German?—A. Yes, sir; I am a native of Germany.

Q. How long is it since you left Germany?—A. I left there in 1871, at the end of 1871.

Q. What was the cause of this movement to make a People's party and a People's ticket to nominate the People's candidates; what was

the reason for that?—A. Because they found the county finances were in a very bad fix. Under Republican rule money had been stolen, and the county was near about bankrupt. Scrip during the latter years was perhaps 75 to 85 cents on the dollar, and to-day it is at par since the Democrats got in. I know that, because my predecessor in business made \$4,000 or more in a year in buying up scrip at 40 cents on the dollar, more or less; I do not know exactly the price.

Q. After the people elected their candidates to these county offices, what was the effect?—A. The effect is that the county is in a good condition, and every man on the jury gets his scrip paid at full value.

Q. The scrip is at par, and the county credit good?—A. Yes, sir.

Q. Who was this man that you bought out; what is his name?—A. Dr. Wood.

Q. Who was the tax collector and sheriff at that time?—A. I believe Dr. Smith was tax collector, if I am not mistaken.

Q. What about this \$4,000 that was made by Dr. Wood in buying county scrip; do you know of any division of profits between the men who made that sum out of county scrip?—A. People said it was an underhand game, but I don't know anything about it.

Q. You have no personal knowledge about it?—A. No, sir; no personal knowledge, only from hearsay.

Q. What did you hear was going on between this tax collector and the others?—A. I do not know that; I only heard that there was something wrong about it. I have no personal knowledge about it.

Q. Do you know anything about a suit that the tax collector afterwards brought against Dr. Wood's estate to recover a part of that \$4,000?—A. I heard about it, but I did not meddle with it. The administrator was not in Brenham, but somewhere in Northern Texas. I have no special knowledge of that.

Q. Do you know Mr. Schutze?—A. Yes, sir; I know him.

Q. What is his general character and standing there?—A. It is the possibly worst that a man can have.

Q. What gave him that character; what was the cause of it?—A. The man had a good showing in the commencement (of course he was a German), if he had behaved himself, and he could have had a good law practice in Washington County; but the way he lived there, and the way he treated his wife, besides what he wrote in his paper, made him very obnoxious to any decent man.

Q. Did he become obnoxious also to the decent Republicans?—A. Yes, sir; to Republicans and Democrats alike.

Q. What do you know about Mr. Moore?—A. I voted several times for Mr. Moore.

Q. When?—A. When he ran, I believe, for county clerk, or for district clerk. I voted for him and considered him a right good man, until his associations and his speeches made me sort of fall out with him.

Q. When did that change in him take place and what was the cause of it?—A. It was about two years ago when the People's ticket was organized.

Q. What was the cause of that change of opinion in regard to him; what was the cause of his change in standing, if there was any?—A. I do not catch that, quite.

Q. I mean if there was any change in Mr. Moore's standing, what was the cause of it?—A. Well, his making those speeches that he did at the last election. I did not like it very much.

Q. What sort of speeches did you hear him make, any?—A. No, sir; I never have been to any.

Q. You never go about to meetings?—A. No, sir.

Q. What did you understand they were?—A. I heard from reliable men and from Mr. Fischer, who was here on the stand this afternoon —

Q. You heard of his speeches through reliable men?—A. Yes, sir.

By Mr. EVARTS:

Q. You say you heard from Mr. Fischer, who has been a witness here. What did you hear from him?—A. I heard that Mr. Moore got up in public meetings and said to the negroes that the time would come when a negro could go into a white man's parlor and court his daughter, or words to that effect.

Q. When did you go to Brenham or to Washington County to live?—A. I came there in 1875.

Q. Who did you buy out there?—A. I bought out Dr. Wood—no, I didn't buy him out at that time, but I bought him out afterward. I had been in Brenham several years already. I bought out first one drug store, and afterward I bought out Dr. Wood's drug store.

Q. When did you buy out Dr. Wood?—A. I bought him out in 1879, I believe it was.

Q. And you learned from him that he had made \$4,000 speculating in scrip?—A. No, sir; I heard that from other parties.

Q. But you heard that he had made \$4,000 in that way?—A. Yes, sir.

Q. When was it that he had made the \$4,000?—A. I could not tell you exactly.

Q. How far back it was you do not know?—A. No, sir; but it cannot have been very far back, because I know very well that Dr. Wood used to buy scrip and make money on it.

Q. What did scrip stand at in Brenham before the election of 1886?—A. May be from 75 to 85 cents.

Q. Before the election in 1886?—A. Yes, sir. It might have been higher, but I do not know exactly, as I never have bought any.

Q. When did it rise to par?—A. During the last two years of the Democratic administration.

Q. Perhaps you are wrong in understanding me. I ask you how the scrip stood before the election of 1886; the last election?—A. Oh, it was at par then.

Q. So that this last election did not improve it any; it is not above par?—A. Which last election; this last election we had there?

Q. Well, you can answer my question; it is not above par now?—A. No, sir.

Q. How did it stand immediately before the election of 1884?—A. That is more than I can tell you, but I think it was about 75 or 85 cents on the dollar.

Q. That is your view. How soon did it rise after the election of 1884?—A. Neither could I tell you that exactly, but I know that I went, I believe, in—

Q. No matter about that. I will ask you another question. When did you first know of its being at par; when can you date the time when you know it was at par first?—A. I think it was in 1885 or 1886.

Q. During those years?—A. Yes, sir. There may have been a difference of 5 cents; that you could not buy it right before the tax-paying time. I tried it, and could not do it.

Q. You say that you had an election in 1886, and some party triumphed there in the election; succeeded in the election?—A. Yes, sir.

Q. What party was it that succeeded in 1886?—A. The People's party.

Q. On the local ticket?—A. Yes, sir; on the local ticket.

Q. And you had a meeting to congratulate yourselves on your victory?—A. Yes, sir.

Q. It was called for that purpose, wasn't it?—A. Yes, sir.

Q. And that meeting was held at Eldridge Hall?—A. Exactly.

Q. And you went to it?—A. Yes, sir; I did.

Q. How many people were there?—A. I never counted them; probably two hundred more or less.

Q. Were they all people who had voted the People's ticket?—A. I cannot look on everybody's ticket, but I think so.

Q. Did you see any colored men there?—A. Not to my recollection.

Q. Did you see anybody who had supported the Republican ticket?—A. Oh, yes, sir.

Q. I mean who had supported the Republican ticket at that election?—A. No, sir; I did not see any; I never looked for them. I could not expect them up there.

Q. Who made a speech congratulating that meeting on the victory?—A. I think Colonel Giddings did.

Q. Did anybody else?—A. There were a great many speakers.

Q. I asked you if anybody else congratulated them?—A. Yes, sir; for instance, there was Mr. Felder and Mr. Searcy, Judge Kirk, and Harry Haynes.

Q. What did Colonel Giddings say about the victory?—A. Well, he said it was a good thing, that our efforts were finally crowned with victory, or some words to that effect.

Q. At the election?—A. Yes, sir; that the people had won a victory.

Q. What did Judge Kirk say about the victory they had won?—A. Judge Kirk made a somewhat lengthy speech.

Q. About the victory, I am now talking.—A. I expect he pronounced himself in the same way.

Q. How many days after the election was this meeting held?—A. I do not know exactly; I could not tell you.

Q. It was some days after the election.—A. Yes, sir; some days after.

Q. You had all heard, all of you there at this meeting had heard, of the raiding of the ballot-boxes, had you not?—A. I don't know whether we had then heard of it or not, but I expect we had.

Q. But *you* had heard of it, hadn't you?—A. Yes, sir; I had heard of it.

Q. You had heard of these raids upon the different polls in Washington County, and you had heard of it before this meeting of victory was held?—A. Yes, sir.

Q. Didn't you know that the victory was caused by the breaking up of those ballot-boxes, and that the count would have been the other way if they had not been broken up?—A. No, sir; I did not know anything of the kind.

Q. You did not know that at the time?—A. No, sir; and I do not know it now.

Q. Did you know it was owing to the throwing out of the diamond-shaped tickets?—A. No; I did not know that.

Q. You do not know anything about it?—A. No, sir; I do not know anything about it. I think even if the diamond-shaped tickets are counted to-day, you will find that the people have won the victory.

Q. But how it had been won you did not know or hear?—A. No.

Q. You did not hear there that it had been won by throwing out Republican tickets and raiding the ballot boxes; you did not hear that?—

A. Of course I heard that the ballot-boxes were taken, but I do not think they were taken by the Democratic side, for the Democrats would have won it anyway. I do not see the use of taking ballot-boxes if you have got the thing in your own hands.

Q. Suppose the taking of the ballot-boxes and the throwing out of the diamond-shaped tickets had meant your victory, and if it had not been done the victory would have been for the Republicans?—A. Then I would have been satisfied just as the thing was.

Q. You would have been satisfied?—A. Certainly.

Q. And all the people at that meeting would have congratulated themselves on a victory gotten in that way?—A. No; I do not think so. I do not think I would congratulate myself on that point.

Q. You would not?—A. No, sir; I would not.

Q. But nevertheless that was not any drawback to your victory or your rejoicing, I mean the raids on those ballot-boxes and the throwing out of the Republican vote; you did not hear any regrets about that, did you?—A. Yes, sir; I heard some regrets.

Q. I mean at this meeting, the meeting I am talking about and nothing else.—A. At the meeting there was nothing said about the ballot-boxes.

Q. Colonel Giddings did not say anything about that?—A. No, sir; he did not.

Q. Nor Judge Kirk?—A. Not that I know of.

Q. Nor anybody else?—A. Not that I recollect.

Q. Do you remember Judge Kirk's saying anything about Mr. Hackworth and some others, who were named, being warned to leave?—A. Warned to leave?

Q. Yes; at this Eldridge hall meeting?—A. No; I did not hear that they were warned to leave.

Q. Or notice given to them to leave?—A. Not that I heard anything of.

Q. At that meeting?—A. No, sir.

Q. You did not hear Judge Kirk say anything about it?—A. He did not make any resolution whatever.

Q. He did not offer any resolution that you heard?—A. No, sir.

Q. You were there all the while?—A. Yes sir.

Q. And you think Judge Kirk did not say anything of that kind?—A. Well, I don't know in which way you want to have it, or which way you refer to; I don't speak good enough English for that.

Q. I want you to understand it, of course. Judge Kirk proposed that Mr. Hackworth and others should have notice to quit the town and the county. Did you hear anything said about that?—A. Judge Kirk was called up and spoke and said that the campaign was at a close and had been a very bitter one; that threats were made from the Republican side of social equalities, and that Mr. Potter had that very same day—the day after the election—said that the Republicans had to be elected, and the negroes should arm themselves and be ready to put them into office. That is what Judge Kirk said. Then some of the people called out, "Who are those men who are guilty of such things as that?" Then Judge Kirk said, "I do not like to say it;" and finally they kept on speaking and wanted to know who they were, and Judge Kirk called out, "There is Stephen Hackworth, and there is Lockett," and I believe "There is Moore," and several others; and then I said, "Don't forget Carl Schutze."

Q. Yes; there you have got it exactly right. So Judge Kirk did not name Schutze, but you put him in?—A. Yes, sir; I put him in.

Q. Now, what was to be done to those people that you put Schutze in with the rest?—A. Well, he says, “In case that is so, that Mr. Potter and these other Republican white leaders propose to arm the negroes, then the people of Washington County ought to come together and elect a committee and wait on those Republicans and give them orders to leave town in twenty-four hours.”

Q. Did they appoint a committee?—A. No. Colonel Giddings got up right away and said it was foolish and would not do at all, and after some good speeches yet, they broke up.

Q. So your plan about Schutze fell through. Schutze didn't get into this list?—A. I do not care about that, it was political death any way.

Q. You wanted him put in the same place?—A. Well, if all the good names are called he is one of the best ones to send away.

Q. Have you and Schutze been enemies for a good while?—A. Enemies; no. I consider myself much above Schutze.

Q. Had you been friends?—A. No.

Q. But not enemies?—A. No, sir.

Q. Did you ever attempt to do him violence in any way?—A. Yes, sir; some time after the election.

Q. What did you try to do to him?—A. I tried to shoot him.

Q. Oh, that is all?—A. Yes, sir; and I will tell you why. I never spoke to Schutze for years; but he was bitter against me for years, and I made that remark in the house up there, in the meeting at Eldridge Hall, that I have spoken of. I was sitting one evening in the rear of the store reading the Galveston News, and Dr. Baker, a physician, who has his office at my store, was standing in front of the house and Mr. Schutze came out, and, as I found out later, was drunk; he was full, and was talking to Dr. Baker, and finally told Dr. Baker to “go in and call out that damned son of a bitch; I want to settle with him.”

Q. To whom did he refer?—A. He meant me. I did not hear it; but Dr. Baker came in and told me he had used that expression, and I asked him why he did not call me out, and he said, “No, you were at a disadvantage. Schutze was weaponed, and if you had stepped out of the door he would have shot you.” As soon as I heard that I took my Winchester and went for him.

Q. What happened to you and your Winchester?—A. I came home again; I did not find him.

Q. And you have not fired it off?—A. No.

Q. But if you had found him you would have fired it off?—A. Yes, and might have hurt him.

Q. Who was this friendly go-between who carried this message?—A. It was a doctor who has his office at my store.

Q. Has he been here as a witness?—A. No, sir.

Q. Do you mean that he has his office at your store?—A. Yes, sir.

Q. But still you and Schutze are not enemies?—A. No, sir; not a bit of it.

Q. And still you are not friends?—A. He is perfectly under contempt; he is no enemy and no friend.

Q. You do not mind down there in Texas shooting one another or interrupting friendship there?—A. Well, if it comes to that point, calling a man a son of a bitch and such names, he is a *gone*, a *goner*.

Q. Although you have time to cool off yet you shoot him?—A. Yes, sir; sometimes men do it.

Q. Is that the custom of the country there?—A. No, sir; not generally; but it is my custom.

Q. Had there been any mismanagement of the funds by the county officers there, or any of them, after you moved there, or had there been any mismanagement of the county interests, or county money by the Republicans after you moved there?—A. Yes, sir.

Q. Now give us a case.—A. Mr. Harvin is said to have gone away with \$10,000 or \$12,000 of the county money, and Mr. Leib, to my knowledge, stole about \$25,000.

Q. We know about those; are there any others?—A. No, sir; not specially.

Q. That is all, then?—A. Yes, sir.

Q. When did this happen?—A. Harvin's must have happened somewhere about 1878 or 1879; I don't recollect exactly.

Q. Now about Mr. Leib?—Mr. Leib's was in 1883 or 1884, I believe.

Q. You say that this Eldridge Hall meeting was composed of the best men of your town?—A. Yes, sir.

Q. Not a bad man among them?—A. I never saw a bad man there.

Q. Not one? Were all the good men of Brenham in this hall?—A. I never kept an account of them, and do not know.

Q. You say that Mr. Hackworth had "a mighty hard character?"—A. Yes, sir.

Q. Had he a hard character with your people in anything except his politics?—A. Yes, sir.

Q. In what respect?—A. I don't think he ever paid his debts.

Q. Do you know anything about it?—A. Yes, sir. You will find plenty of people, and I expect there are some here, in this investigation, who can tell more than I could about it.

Q. We tried to find out whether it was more than \$20 in amount, but could not get any nearer to it than that. Do you know anything about it yourself?—A. No, sir; not especially.

Q. Do you know anything else against him?—A. Yes, sir.

Q. What?—A. I think Mr. Hackworth was one of the justices of the peace, and at that time the Sunday law was in force in Brenhan, that no saloon should keep open.

Q. It was a liquor law?—A. Yes, sir; and Mr. Hackworth never fined anybody; he never cited them up, but he sent his deputy there and would ask them for "coffee," "sugar" and so on, instead of cash.

Q. I don't understand that?—A. The deputy went around to the bar-keepers there, and collected the money there, and instead of fining them for violation of the Sunday law he sent his deputy to collect the money to be used as "coffee" or "sugar."

Q. Do you know anything about that?—A. No, sir; except that I heard it.

Q. When was this?—A. I don't recollect what time it was.

Q. It was after you went there?—A. Yes, sir.

Q. Is there anything else you can state against him?—A. It doesn't come to my recollection just now, but there are a great many things.

Q. There are a great many things that you do not recollect, and of course we do not know what they are. But we want the things you do recollect.—A. Well, there was another cause for it. He had the collection of the occupation tax there——

Q. We have heard all about that. Do you know anything about it yourself?—A. I was there, but I never paid any attention to it.

Q. You do not know personally anything about it?—A. No, sir.

Q. Those are all the things you recollect, then. Now about his associations with low people; do you mean by that colored men?—A. Yes, sir; colored men.

Q. What associations did he have with colored men except in public and in politics?—A. In public and in politics both.

Q. Well, except in that, he had no association with them?—A. I do not know.

Q. I want you to tell us if you do know anything; I do not know anything about it. Your objection to him, then, is for his associations in political movements with the colored people?—A. No, no, nothing of the kind. His associations with the negroes generally. I very seldom saw him on the street without he spoke to a nigger. I never saw him except in company with a nigger.

Q. But that was on the streets?—A. Yes, sir; on the streets everywhere, on the street corners.

Q. It was in public?—A. Yes, sir; certainly it was in public.

Q. Did you ever hear him make a speech?—A. Not to my recollection.

Q. Now, I want you to tell me if there was any other association than that of a public association with colored men in the streets, and his political movements with the Republican party and the colored people; anything else you had against him?—A. I have not got anything against him on account of his politics; nothing at all. But if a man makes a negro his associate I am down on him, and the most of our people in that section are down on him.

Q. Any white man who would associate with a colored man you denounce as a bad man?—A. No, sir; not as a bad man, but they are under our regard.

Q. You "turn up your noses at them;" that expresses it, I suppose?—A. Yes, sir; considerably.

Q. I want to get at what association it is that Mr. Hackworth had. You say he talked with colored men on the streets?—A. Yes, sir; I did not know what he was talking about.

Q. But that is what put him under disfavor with the white people?—A. Yes, and what you have probably heard from other witnesses—

Q. I don't care what other witnesses tell; they stand on their own consciences and knowledge. I want to hear what you have to say.—

A. Well, I felt in that way generally.

Q. But that is all you know about it?—A. Yes, sir.

Q. You do not know anything about social equality or marriages, or anything of that kind that Mr. Hackworth had anything to do with; marriage with the colored people?—A. No, sir; not that I know of.

Q. Or social gatherings; you do not know anything about them?—A. No, sir.

Q. When Judge Kirk was a candidate for office did he make favor with the colored voters at all?—A. I never followed his tracks; I do not know.

Q. Did you ever see him talking with colored men on the streets?—A. Oh, yes, sir; but he did it for political purposes.

Q. What did Mr. Hackworth do it for?—A. I don't know. He has niggers around him the whole year, from the commencement to the end.

Q. And Judge Kirk only has them at election time?—A. Yes, sir.

Q. Oh, I see! Do you remember after this election in front of your drug store, on Sunday, I suppose, in the presence of Frank Robinson and F. D. Jodon, saying that as Schutze was at the head of the ticket, the Republican ticket, you believed that the candidates on the People's ticket should take the offices whether they were elected or not?—A. I don't recollect that; no, sir.

Q. Do you entertain that opinion?

The WITNESS. That I should have said so?

Mr. EVARTS. Yes; the question is whether you said in front of your drug store, in the presence of Frank Robinson and F. D. Jodon, that as Schutze was at the head of the ticket (of the Republicans, that is), you believed that the candidates on the People's ticket should take the offices whether they were elected or not?—A. No, sir.

Q. Nothing like that?—A. No, sir; nothing like that.

Q. What did you say?—A. I don't recollect to what it referred.

Mr. JODON. Don't you recollect including Wilder on the ticket also?

Mr. EVARTS. Think it over.

A. I might have said something of the kind, but I don't know.

Q. Did you think so at that time?—A. I don't recollect.

Q. But you do not remember that you did not think so?—A. No, sir; I do not remember anything at all about it.

Q. What do you think now; that it would have been a good thing to take the offices whether the People's ticket was elected or not?—A. No, sir; I do not think so.

Q. What would be the harm in that?—A. It would be very wrong; it would go against the will of the people. It is very wrong to go against the will of the people. We have a republican Government, decided by votes, and the majority ought to provide for that.

Q. You say that Mr. Hackworth had made himself disagreeable to everybody, and it was from his associations, mostly, with negroes?—A. Yes, sir.

Q. That was the whole matter, wasn't it, with Hackworth, making himself disagreeable to the people at large?—A. Well, not paying his debts, and by all such things as that he made himself disagreeable.

Q. Well, he didn't owe everybody?—A. I don't know; I never inquired much, but I expect you will find a whole heap.

Q. I don't want you to go into the wholesale matters unless you know something about them. Do you mean to say that you know that he owes a great many people?—A. I think so.

Q. People whom he did not pay?—A. Yes, sir.

Q. Now give me the names of some of them?—A. Mr. Hoffman had to take his homestead just to get his money.

Q. That is, when he left there?—A. Yes, sir.

Q. He had to sell his property to pay his debts?—A. Yes, sir; to pay that special one. Mr. Hoffman would never have bought it except for collecting that special debt.

Q. He sold his property as he was leaving, to pay a debt; that you know?—A. Yes, sir.

Q. Now, where is the harm in that?—A. Mr. Hoffman probably would never have gotten it if he had not taken the property.

Q. I presume so. If he had not had any property he could not pay his debts, but he took his property to pay his debts, did he not?—A. Yes, sir.

Q. Did not this buyer fix the price himself?—A. I don't know anything about that.

Q. And was it not a great deal less than it was worth?—A. I do not think so, because Mr. Hoffman sold it again, some time ago, and got less than he paid for it.

Q. You know that, do you?—A. I do not know it exactly.

Q. Well, we have gone into that before. You heard of some bad speeches being made by Mr. Moore, I believe?—A. Yes, sir.

Q. From whom did you hear that?—A. I heard that by Mr. Fischer.

Q. The one that has been a witness here?—A. Yes, sir; he has been a witness.

Q. Did he tell you that he had heard it?—A. Yes, sir; he told me so.

Q. That he heard the speech?—A. Yes, sir.

Q. Of Mr. Moore, himself?—A. Yes, sir.

Q. What was that speech?—A. He did not tell me the whole speech; he only said that he was very indignant, and that Mr. Moore had said that the time would come when the negroes would be welcomed in white folks' parlors and would be able to court their daughters, or words to that effect.

Q. He spoke in that general way?—A. Yes, sir.

Q. Did he speak of it as a thing going to happen after this election?—A. I never inquired; I paid little attention to it, it was so contemptible.

Q. It did not make much impression on you any way?—A. No, sir.

Q. But still it is the only thing you have told here against Mr. Moore?—A. And that is enough, too.

Q. And yet you did not pay much attention to it?—A. Well, I did not myself.

Q. So you do not think that will ever happen?—A. No, sir; not so long as I live.

Q. Not even at the millenium?—A. No, sir; not even then.

TESTIMONY OF RINEHARDT HOFFMANN.

RINEHARDT HOFFMANN, having been duly sworn, was interrogated as follows:

By Mr. PUGH:

Question. What is your name?—Answer. Rinehardt Hoffmann.

Q. Where do you reside?—A. In Brenham, Washington County, Texas.

Q. How long have you been there?—A. Since 1865.

Q. What is your pursuit there?—A. I am a merchant.

Q. Do you do business on a small or on a pretty large scale?—A. Well, I do an average business.

Q. Where do you buy your goods?—A. I buy my goods in New York.

Q. Did you ever make any purchases of either one of these memorialists, Hackworth, Schutze, or Moore?—A. I bought a piece of property from Mr. Hackworth.

Q. What sort of property was it?—A. It was his homestead in our city.

Q. In Brenham?—A. Yes, sir; in Brenham.

Q. When did you make that purchase?—A. In December some time, I think.

Q. Last December?—A. About the 1st of December.

Q. The 1st of December last?—A. Yes, sir.

Q. What did you pay him for it?—A. I paid down \$1,000 in cash, and I had to pay the taxes on the property, amounting to about \$150. The taxes had not been paid for some years.

Q. You paid \$1,000 in cash and taxes amounting to \$150?—A. Yes, sir; about \$150.

Q. What was the reasonable market value of that property at the time you purchased it?—A. I think I paid all it was worth.

Q. What disposition have you made of it?—A. I sold it since.

Q. What did you get for it?—A. I got \$1,000.

Q. You got \$150 less than you paid?—A. Yes, sir.

Q. Do you know about Mr. Hackworth's effort to sell that property before you purchased it?—A. The same party that bought it was the one that Mr. Hackworth offered it to before.

Q. How long before?—A. I think perhaps twelve months previous, and he asked \$1,200 for it.

Q. He offered that same property for sale twelve months before he sold it to you?—A. Yes, sir.

Q. How much did he ask for it then?—A. I think he asked \$1,200.

Q. The year before?—A. Yes, sir.

Q. What is your judgment as to the value of the property a year before?—A. Well, the property was worth fully as much twelve months ago as when I bought it.

Q. And you paid \$1,150 cash?—A. Yes, sir.

Q. How about the title?—A. The title was all perfect, I believe. I had to get a release from some parties that had sold to Hackworth.

Q. Did he owe any of the purchase money for it?—A. No, sir; the title was all clear, only I had to get a release from the former owner who sold it to Hackworth.

Q. Why did you have to do that; didn't Mr. Hackworth have a deed?—A. He had a deed, but there was something about it, and the attorney advised the gentleman who bought it from me that he would have to get a release from this party before I could make him a good title.

Q. Had it been sold for taxes?—A. Yes, sir; it had been sold for State, county, and city taxes, I believe.

Q. And you had to redeem those?—A. Yes, sir.

By Mr. EVARTS:

Q. How came you to buy this property, anyway?—A. Well, he wanted to sell. I believe that he told Mr. Bryan that if he would get a purchaser for his home he would leave there, and they were making up the money to buy him out; and when they came to me I think they had about \$500 or \$600 made up, and I told Mr. Bryan if he would take in his account I would buy the property, and asked him to go and see Mr. Hackworth and see if he would take in his account that he owed me.

Q. How much did he owe you?—A. He owed me \$322.

Q. What for?—A. For merchandise.

Q. Incurred during what time?—A. During 1885 and 1886.

Q. What kind of merchandise?—A. Dry goods.

Q. For his family?—A. Yes, sir; for his family.

Q. You knew that Mr. Hackworth was going away, did you not?—A. Yes, sir; I knew that he was going away if he could sell his place.

Q. You say you did know that he was going away, if he could sell his place?—A. Yes, sir.

Q. Do you know whether the people wanted him to go away?—A. I suppose they did; some did.

Q. Did you know that they had warned him to go away?—A. Well, they warned a great many others to go, too.

Q. I have no doubt of it. But I am talking about Mr. Hackworth, and if you will be so good as not to talk about other people we will get along. Now, what is it about Mr. Hackworth; they wanted him to go?—A. I suppose they wanted him to go, and he was willing to go provided he could sell his property.

Q. Were you engaged with the others who gave him warning to go away?—A. No, sir.

Q. Or in the written notices?—A. No, sir.

Q. Do you belong to the Democratic party?—A. Yes, sir; I am a Democrat.

Q. And have been?—A. Yes, sir.

Q. And were in favor of this People's ticket that had been elected?—A. Yes, sir.

Q. You say the people were making up a sum of money to buy his place?—A. I believe that was his own proposition.

A. I only ask for the facts; were the people doing it?—A. Yes, sir.

Q. And you knew it?—A. Yes, sir.

Q. Who were they?—A. I suppose some five or six parties in our place.

Q. Who were they?—A. Mr. Tom Dwyer; I do not remember all the names, but eight or ten of them.

Q. Give those you do remember.—A. Henry Hodde, C. Minkwitz, Thomas Smith, Heber Stone, and Messrs. Garrard, Bryan, and Searcy. Those are all I can remember.

Q. Were they all Democrats?—A. No, sir.

Q. Who were Democrats and who Republicans?—A. Mr. Dwyer is a Republican, Mr. Hodde is a Republican, and the balance I suppose are Democrats; I do not know.

Q. Did they come to you to join in making up the purse?—A. Yes, sir.

Q. And you said you would do so if your contribution could be made towards the paying of your debt?—A. Yes, sir.

Q. When you sold this property did you bear the loss?—A. The loss was divided between us equally.

Q. Between those six people and you?—A. Yes, sir.

Q. So that it was an organized movement. How much did you lose?—A. I think it was thirty-odd dollars.

Q. Did you get your debt with interest?—A. No, sir, I did not get any interest.

Q. This was all that was owing, except what there was after the election, was it not?—A. Yes, sir.

Q. And as soon as he could dispose of his property and pay this debt, among others, he went away, did he not?—A. Yes, sir.

Q. Did you think it was safe for him to stay there?—A. I think it would have been safe for him to stay there.

Q. Do you think it was certainly safe for him to stay there?—A. Well, I think he could have staid there.

Q. You smile at that?—A. Well, I think he could have safely remained there.

Q. Could he have gone about and been as safe as you were, for instance?—A. I think he could.

The subcommittee then adjourned until Monday, February 28, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *Monday, February 28, 1887.*

The subcommittee met, pursuant to adjournment, at 10.30 o'clock a. m.

TESTIMONY OF BERNHARDT LEHMANN.

BERNHARDT LEHMANN, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. Bernhardt Lehmann.

Q. How old are you?—A. I am forty-five years old.

Q. What is your business?—A. Bar-room business—liquor business.

Q. Where do you live?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived there since 1876.

Q. What are your politics?

The WITNESS. My politics now?

Mr. EUSTIS. Yes.

A. Now I am a Democrat—since the last four years; I was a Republican before.

Q. When did you become a Democrat?—A. When the Republican party got so disgraceful there——

Q. I say when did you become a Democrat?—A. Over two or three years ago.

Q. When did you become a Republican?—A. I voted the ticket and always tried to get the most honest men, but was leaning more to the Republican than to the Democratic party before.

Q. How did you come to be a Democrat?—A. Oh, my God! It was almost impossible for a honest man to be a Republican there.

Q. Why?—A. They were so obnoxious, so corrupt, the government of the Republican party under the office-seekers, that I didn't care to stay with that party any longer.

Q. Do you mean in Washington County?—A. Yes, sir; I mean in Washington County.

Q. Have you ever held any office?—A. No, sir.

Q. Have you ever been nominated for any office?—A. I was once a candidate for constable.

Q. How long ago was that?—A. I believe it was in 1878.

Q. Then you say the reason you became a Democrat is on account of the corrupt and bad administration of local affairs in that county by the Republican party?—A. Yes, sir.

Q. Do you know of others, any of your friends, who did the same?—A. I think the majority of the Germans went over to the Democratic side, the most of them, the most of the people who paid taxes there; a great many of them went to the Democratic side.

Q. You mean a great many Germans who were Republicans?—A. Yes, sir; a good many of those Republicans went to the Democrats.

Q. Do you know whether a man simply by reason of the fact that he is a Republican is at all molested there?—A. Molested by whom?

Q. By anybody, simply on account of being a Republican?—A. No, sir; not a bit of it. I was Republican long enough there to find that out; never that I know.

Q. That is no reason then why anybody should leave that community simply because he is a Republican?—A. Oh, no, sir.

Q. He is not at all disturbed in his social or business relations?—A. No, sir; in no kind of shape or form any more than I was.

Q. Do you know Mr. S. A. Hackworth?—A. Yes, sir.

Q. How long have you known him?—A. I have known him since I came to Brenham in 1876.

Q. What is his general standing and reputation there in that community?—A. It is not good; no.

Q. Did you know Mr. Schutze?—A. Yes, sir.

Q. What is his standing and reputation there?—A. He is a good deal worse.

Q. Do you know Mr. Moore?—A. Yes, sir.

Q. What is his standing and reputation in the community?—A. I have got nothing to say against Mr. Moore.

Mr. EUSTIS. That is all I want to ask.

Mr. JODON. I will ask him a few questions in the absence of the Republican members of the committee, with the understanding that he can be recalled. Did you not live at one time at Long Point, in Washington County?

The WITNESS. I did.

Mr. JODON. Were you engaged in business there?

The WITNESS. I was.

Mr. JODON. What caused you to leave?

The WITNESS. I had a personal difficulty with a man there.

Mr. JODON. What man?

The WITNESS. With Mr. Craig, my partner's son.

Mr. JODON. Had you not a difficulty with a number of them?

The WITNESS. Well, there were about ten or twelve, I think.

Mr. JODON. They were all Democrats, were they not?

The WITNESS. Not that I know of. Mr. Knight was a Republican; he was a Union soldier, and had no politics at all.

Mr. JODON. When did you leave Long Point?

The WITNESS. The same time that I came to Brenham.

Mr. JODON. When was that?

The WITNESS. In 1876.

Mr. JODON. Did you not tell me at one time, in talking about this matter, that you had to leave there because you were a Republican?

The WITNESS. No, sir; I did not.

Mr. JODON. You did not?

The WITNESS. No, sir; I never said that. I never could have told that to any person living.

Mr. JODON. Does not the Democratic club meet over your saloon?

The WITNESS. No, sir.

Mr. JODON. Haven't you a club-room where the principal Democrats meet?

The WITNESS. No, sir; not that I know of. It is free for everybody.

Mr. JODON. Does not Colonel Giddings come there?

The WITNESS. If he comes, he is welcome.

Mr. JODON. Does not Mr. Searcy meet people there?

The WITNESS. He comes there?

Mr. JODON. Is it not their club-room?

The WITNESS. No, sir; it is mine.

Mr. JODON. Is it not the general meeting place of the principal Democrats of the city?

The WITNESS. No, sir.

Mr. JODON. Nor of Mr. Searcy?

The WITNESS. No, sir; it is my club-room.

Mr. JODON. I know, but that is not the point; you are dodging the

question. I want to know if the principal Democrats of that city do not meet there?

The WITNESS. You need not talk in that way. You just keep cool; it will be just as good. They meet there every day if they want to play pool or billiards or drink a glass of beer. It is the Pickwick Club Room.

Mr. JODON. Is not that Pickwick Club composed principally of the Democrats of that city?

The WITNESS. No, sir; not that I know of.

Mr. JODON. State who are not Democrats who come there?

The WITNESS. How do I know everybody's belief in politics?

Mr. JODON. Don't you know of any Republicans that belong to it?

The WITNESS. Yes; I know of Republicans. Everybody is welcome there. Fritz Fischer and the other Fischer are both Republicans, and they come there. He voted for the People's ticket, of course, but he is a Republican.

Mr. JODON. What do you have that room there for?

The WITNESS. To make money, of course.

Mr. JODON. Is not that a club room though?

The WITNESS. Certainly. I want gentlemen there. I want to keep the niggers and low-down people out of there. I want to keep a nice class in there.

Mr. JODON. You say you have nothing against Mr. Moore?

The WITNESS. No, sir.

Mr. JODON. Are you a mason?

The WITNESS. No, sir; I am not. But Mr. Moore belongs to the Legion of Honor which I belong to.

Mr. JODON. What have you against Mr. Hackworth?

The WITNESS. I have nothing against him.

Mr. JODON. You say his general reputation is bad. Is that all?

The WITNESS. Yes.

Mr. JODON. What is it bad for?

The WITNESS. My God! Do you ask me for his reputation? It is not esteemed so much.

Mr. JODON. Don't you know that Mr. Hackworth is a member of the Baptist church and in good standing there?

The WITNESS. Phew!

Mr. JODON. That is not an answer. I want an answer from you. Isn't he a member of the Baptist church?

The WITNESS. I don't know whether he is or not. I know he has been in my house drunk, and has been drinking.

Mr. JODON. I am not talking about that. I refer to several years past.

The WITNESS. I haven't been to the church there, and haven't seen him.

Mr. JODON. You do not go to church, do you?

The WITNESS. Is that anybody's business if I go or not?

Mr. JODON. I do not know that it is, particularly, but I ask you the question. Has not Mr. Hackworth been a straightout Prohibitionist and a temperance man for several years past?

The WITNESS. Yes; I believe so, since he quit drinking.

Mr. JODON. Hasn't he made speeches in behalf of that movement?

The WITNESS. Yes; I believe he has, since he quit drinking.

Mr. JODON. Has he not been associated with Dr. Ross and Mr. Curry in this temperance movement?

The WITNESS. I have seen it stated.

Mr. JODON. You do not know it?

The WITNESS. No; I don't go sneaking around about such things.

Mr. JODON. We have a Sunday law in our State?

The WITNESS. We have.

Mr. JODON. Do you close your saloon on Sunday?

The WITNESS. Yes; I close my saloon.

Mr. JODON. Do you keep it closed?

The WITNESS. No, sir; I keep it open on Sunday.

Mr. JODON. Do you sell liquors and beer on Sunday?

The WITNESS. Yes; I do.

Mr. JODON. That is all I want to ask you at present.

By Mr. EUSTIS:

Q. You simply own a beer establishment?—A. Yes, sir.

Mr. EUSTIS. That is all I want to ask.

TESTIMONY OF E. P. CURRY.

E. P. CURRY, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. E. P. Curry.

Q. What is your age?—A. I am twenty-eight years old.

Q. Where do you live?—A. I live in Brenham, Washington County, Texas.

Q. How long have you lived there?—A. In the county, all my life; in Brenham, the last three years.

Q. What is your business?—A. I am a lawyer.

Q. What are your politics?—A. I am a Democrat.

Q. Were you a candidate at the last election?—A. Yes, sir.

Q. For what office?—A. I was candidate for magistrate on the People's ticket.

Q. Were you elected or defeated?—A. I was defeated.

Q. Who defeated you?

The WITNESS. Do you mean who was my opponent?

Mr. EUSTIS. Yes.

A. Mr. Riggs Hackworth.

Q. What was the character of the canvass that you had; did you take an active part in it?—A. Yes, sir; I did.

Q. Did you try to get any negro votes, for instance?—A. Well, we went around to the meetings that they had in the neighborhood.

Q. What meetings were they?—A. Some of them were called "owl" meetings. They were mostly calls of the citizens where they met at school-houses and places of that sort to discuss politics, where men talked to the voters and made speeches.

Q. Do you know whether any of the colored people who went to vote the People's ticket were intimidated by Republicans?—A. I know they were induced to believe that they would be—

Mr. SPOONER. That is not an answer to the question.

The WITNESS. Whether they were intimidated by the Republicans? I was going on to explain my ideas and what influence was brought to bear on them.

Mr. SPOONER. The point is whether they were intimidated.

The WITNESS. I think they were.

Mr. EUSTIS. You may go on with your statement.

The WITNESS. There were speeches made which were calculated to dissatisfy the negroes in our county, and make them believe they were not getting the rights that belonged to them, and they were told if they continued to support the Democrats it would finally result in ruin. I heard some of the men tell them that cotton would go down to something like four cents, and others that they were supporting men who did not treat them as equals; that if they went to their houses to see them they would feed them out of a wash-pan at the back door, and so on; that they had no right to vote for a Democrat; that the Democrats were their natural enemies, and the Republicans had freed them; that they were going back on their color if they did not support the ticket. That is about the character of the speeches.

Q. Appealing to them that because they were negroes they ought to vote the Republican ticket?—A. Yes, sir; that they were under natural obligations to do so.

Q. Have you ever been told by colored people that they had a secret society there, and swore them in to vote the Republican ticket?—A. Yes, sir; it is generally understood in the county that secret societies were organized all over the county, and that they were sworn to support the Republican ticket, what was called the Hackworth ticket, and if they did not do it they were ostracized and cut off from their societies, and that they were liable to be turned out of church, or that the negroes would not associate with them.

Q. I suppose the negroes there have all sorts of societies, burial societies and benevolent societies?—A. Yes, sir, they do; and I think the inference was that they would not be recognized among other negroes; that they would be cut off and the others would have nothing to do with them.

Q. What do you mean by their being cut off from other societies?—A. I mean they would not be recognized in the community; that they would not have anything to do with them.

Q. You mean they would be expelled from their societies?—A. I think they threatened to turn some out of their church, and did do it.

By Mr. SPOONER:

Q. Were these threats that you are talking about threats that were made in these meetings of secret societies?—A. It was, as a rule, in secret societies.

Q. Are you a member of any of those secret societies?—A. No, sir.

Q. Then how do you know anything about it?—A. I said I heard that reported from negroes.

By Mr. EUSTIS:

Q. Did you hear that from negroes?—A. Yes, sir.

Q. Who told you?—A. I think I heard a dozen or more negroes say so in Brenham; some who voted with us.

Q. Do you know S. A. Hackworth?—A. I do.

Q. How long have you known him?—A. I have known him about six or seven years. I have known him by reputation ever since I can remember, but personally I have known him for five or six years.

Q. What is his standing and general reputation in that community?—A. It is not good.

Mr. SPOONER. For what?

Q. Do you mean it is bad?—A. Yes, sir; it is bad.

Q. What is the general standing and reputation of Mr. Schutze there?—A. I do not know very much about Mr. Schutze, but I have heard the

Germans speak of him, and from what they say about him it is not at all good; that he had quit his wife, and so forth, and was not very honorable.

Q. Do you know what the standing and reputation of Mr. Moore is there?—A. I have heard a great many say that he would not pay his debts, and things of that sort. I do not know a great deal about Mr. Moore, but I do not think he had any business, at least not just before he left.

Q. Do you think there is any reason, from the mere fact that a man is a Republican, why he has to leave that community?—A. I know it is no reason for his leaving.

Mr. SPOONER. The witness' opinion on that subject does not amount to anything, or change the facts. We are trying to get at what happened. His individual judgment is not important. If you ask about the public sentiment, that is one thing, but his individual opinion we do not care anything about.

The WITNESS. I can give you the opinion of the public generally, if you want it.

Mr. EUSTIS. Very well.

The WITNESS. As to whether they would be safe or not there, I have not heard of any organized mob which would do anything to them, and I have been right in with the Democrats of that county, and I think the mere fact that part of them did stay and were never molested is a very good reason to suppose that the others were not in any danger.

By Mr. SPOONER:

Q. You say you think the negroes were intimidated against voting the People's ticket?—A. Yes, sir; I do.

Q. Do you know whether they were or not?—A. I think they were.

Q. I ask you if you have any personal knowledge of any negro being intimidated?—A. I have seen them pulled away from the polls by other negroes when they wanted to vote.

Q. You have seen white men pull them away from the polls when they wanted to vote?—A. I do not know that I have.

By Mr. EUSTIS:

Q. Pulled away when they wanted to vote what?—A. When they wanted to vote the Citizens' ticket. We had no Democratic ticket in our county.

By Mr. SPOONER:

Q. Do you mean pulled away in order to give them tickets or induce them to vote some other ticket, or to forcibly prevent them from voting?—A. I mean pulled away to give them the diamond-shaped ticket that they might vote it.

Q. Do you know of any instance where a negro by threats was prevented from voting such ticket as he chose?—A. I did not hear of any threats.

Q. Do you know of any case where a negro by threats was prevented by violence from voting as he chose?

The WITNESS. Do you mean where I heard the threats?

Mr. SPOONER. I will ask the question first and you may hear it and then answer it. Do you know of any case where a negro in that county was prevented by threats of violence from voting the ticket of his choice?—A. I cannot say that I ever heard any such threats.

Q. Still you do not answer the question. You mean to say that you

do not know of any such case?—A. I do not know of my own personal knowledge, but I have heard of it.

Q. How many such cases have you heard of—threats or violence I am talking about?—A. I suppose I could remember a half dozen or more.

Q. In the county?—A. Yes, sir.

Q. In Brenham?—A. Most of them in Brenham.

Q. But you do not know of any man who was prevented from voting as he chose, do you?

The WITNESS. By threats or violence?

Mr. SPOONER. By any threats.—A. Only by those speeches and the meetings that were held.

Q. That is influence; but I mean to say that you do not know of any case in which any man, white or black, was absolutely prevented by force or threats from voting as he saw fit?—A. I do not know that I do.

Q. Those speeches that you talk about were designed to influence and not prevent voting by intimidation, were they not?—A. Well, it was a species of intimidation, I should call it.

Q. Would you call it intimidation for a Republican speaker to tell the negroes that the Republican party had always been the friend of the negro and the Democratic party had always been the enemy of the negro? Would you consider that a species of intimidation?—A. That was not all that was said.

Q. Answer my question, please. You have given your opinion very freely and broadly enough, and I want to get at what your opinion is worth.

The WITNESS. Well, put your question over again.

The reporter read the question as follows:

Q. Would you call it intimidation for a Republican speaker to tell the negroes that the Republican party had always been the friend of the negro and the Democratic party had always been the enemy of the negro? Would you consider that a species of intimidation?—A. No; not that alone.

Q. Would you consider it a species of intimidation for a speaker to tell an audience of negroes, if you please, that it was against the interest of the negro to help elect the Democratic ticket?—A. If he told them that it would finally work their ruin, that they would be eventually ruined by it, I think it would be, and lead them to believe it.

Q. That would be, in your opinion, intimidation?—A. Yes, sir.

Q. If he told them that if they voted the Democrat ticket they would be going back on their color, would you consider that intimidation?—A. I do not think he would be telling them the truth.

Q. That is not what I ask you; I think it would; that is where we differ. But neither your opinion or mine is what is wanted here.—A. I do not know that that would be considered intimidation.

Q. What is your opinion about it, whether it would or not?—A. I do not think it would.

Q. If he told the audience that Democratic success meant lower prices for cotton and lower prices for labor, how would you consider that; would that be intimidation?—A. I think he would be leading them to believe things that are not so.

Q. That is not what I ask you. I am trying to get at the intimidation used by Republican speakers to prevent the negroes voting the People's ticket?—A. I would call that a species of intimidation.

Q. That is what you meant then when, in answer to questions by Mr. Eustis, you referred to the negroes being intimidated from voting the People's ticket, is it?—A. Yes, sir; that is it.

Mr. EUSTIS. The witness does not understand. He testified that these negroes were secretly sworn——

Mr. SPOONER. I have not got to that yet; I am trying to get his opinion.

Mr. EUSTIS. Very well, he answered my questions.

Mr. SPOONER. The record will show whether you are right or whether I am. I think you mean to be and I know that I mean to be.

Mr. EUSTIS. But you state to the witness that that is what he meant to say in answer to my question.

Mr. SPOONER. I asked him if that was what he meant. He knows what he meant.

Mr. EUSTIS. He said that he meant that in part.

Mr. SPOONER. Well, I put that question in justice to him.

Mr. EUSTIS. Very well; let it go that way.

The reporter read the question to the witness as follows:

Q. That is what you meant then when, in answer to questions by Mr. Eustis, you referred to the negroes being intimidated and kept from voting the People's ticket; you meant that was one species of intimidation?—A. Yes, sir; that is one species of intimidation.

Q. You say that you heard Republican speakers tell the negroes that they were not treated as well, and would not be treated as well, by Democrats as by Republicans, white men, did you not?—A. Yes, sir.

Q. Do you call that a species of intimidation?—A. I do not know; I suppose not.

Q. Then you do not mean to be understood?—A. I did not say that, if you please. I said that the tendency of their speeches was, that if they voted for the Democrats it would work their ruin; that they would be deprived of all rights.

Q. But what I want to get at is this: You said some things that would tend to show that the Republican speakers influenced the negroes against voting the People's ticket; that is one thing.—A. Yes, sir; I did say that.

Q. That is one thing, and you are undoubtedly correct about that; that is what speeches are made for. But you said, in addition to that (and that pertained to an entirely different set of considerations), that they were intimidated from voting the People's ticket. What I am trying to get at is to get you to separate, if you will (you are doing it quite rapidly), those things that were intended as influence to prevent their voting the Democratic ticket, from those things which were intimidation and in the nature of violence. I understood you to say that in these speeches the negroes were told that they were not treated as well in the houses of white Democrats as they were in the houses of the Republicans, did you not?—A. Yes, sir.

Q. You do not consider that a species of intimidation?—A. No, sir; I do not consider that intimidation.

Q. That is only by way of influencing them?—A. Yes, sir; by way of influencing them.

Q. Now about these colored societies and the swearing of the colored people to vote the Republican ticket, you do not know anything about that, of your own knowledge?—A. Only from hearsay.

Q. What you know about that is only from hearsay, and not of your own knowledge?—A. No, sir.

Q. You have heard some of the negroes who voted the People's ticket there say that is a fact?—A. Yes, sir.

Q. Have you ever heard any such thing in that county except from the negroes who vote the People's ticket?—A. Yes, sir; I have heard those who vote the other ticket say so.

Q. Who have you ever heard say so, and when, and what did he say?—A. The conversation that took place that I have in mind right now was with a fellow named Jeff Graves, who wanted to vote the People's ticket, but said if he did that he would not be recognized any more in society; that he would be what he termed "cut off."

Q. That he would be ostracized by the blacks?—A. Yes, sir.

Q. Is that all that he said?—A. He did not say that they would kill him.

Q. Is that all that he said?—A. That is about the effect of what he said.

Q. Who else do you remember?—A. I don't know of anybody else just now.

Q. Then it simmers down to one man?—A. I have heard of more than one.

Q. And he did not say anything about any society or oath having been administered?—A. Yes, sir; he said they were sworn in.

Q. Why didn't you say that a moment ago? You said this man would like to vote the ticket, but he would be ostracized if he did so. Now what did he say about being sworn in?—A. I don't know whether he said he had ever been sworn in, but that others were and were being sworn in every night.

Q. Well, who else?—A. I don't remember having conversation with any other one in regard to it just now.

Q. What other information have you which leads to the supposition or supports the allegation that the negroes were formed into secret societies and were sworn to vote the Republican ticket; any except that you have given?

The WITNESS. What other information have I?

Mr. SPOONER. Yes.

A. Well, I was told by a negro named Henry Charles that there was a secret organization in Smith's neighborhood, where fifteen had been sworn in the night before.

Q. Is he a Democratic or Republican colored man?—A. He is a Republican.

Q. He supports the People's ticket, doesn't he?—A. It is my opinion that he supports the People's ticket, but I do not know it positively; I did not see him vote.

Q. What kind of societies were those, did he say?—A. They were for political purposes alone.

Q. They were Republican clubs?—A. Yes, sir, Republican clubs; I suppose that expresses it.

Q. Do you have any Democratic clubs down there?—A. I never heard of one.

Q. They have Republican clubs among the white men, do they not?—A. I do not know that I know of one.

Q. Were you one of the political speakers in the last campaign there?—A. Yes, sir; I was.

Q. In behalf of the People's ticket?—A. Yes, sir.

Q. Who made those Republican speeches that you refer to?—A. I have heard old man Potter make them, I have heard Mr. Moore make

them, and I have heard Mr. Hackworth make them, I think; in fact, I know it.

Q. Will you mention some item of intimidation or threat that you heard from Mr. Moore in any political speech during that campaign to prevent the negroes from voting the Democratic ticket?—A. I never heard Mr. Moore threaten them. I have heard him tell them if they did not support the ticket it would run down the price of cotton to about 4 cents.

Q. That is argument.—A. That is what I heard him say.

Q. Mention some fact or item of threat which you heard from Mr. Hackworth.—A. I do not know that I heard him make any threats or that I heard any of the speakers make any threats.

Q. Now I am getting at this intimidation business of the Republican speakers. Who was the other man you mentioned?—A. I think Mr. Potter.

Q. Did you hear Mr. Moore make any speeches?—A. Yes, sir.

Q. Indicate to the committee some threats or form of intimidation that you heard from Mr. Moore which was calculated to frighten the negroes and prevent them from voting the People's ticket.—A. I do not know of any threat that I heard him make.

Q. Name the Republican speaker during that campaign whom you heard make threats tending to intimidate or frighten the negroes from voting the People's ticket if they chose. I mean threats apart from argument or inducement?—A. I think, if I am not mistaken, that I told you, to begin with, that a part of the intimidation I referred to was these secret societies that the negroes had.

Q. And you did not know anything about them?—A. Only by hearsay.

Q. How many such societies did you hear existed in that county?—A. I suppose there must have been—

Q. I do not care about your suppositions.—A. I have heard of fifteen or twenty, I think. They were all over the county.

Q. You mean Republican clubs formed among the negroes?—A. Yes, sir.

Q. But I understand you to say that you do not know of anything which warranted the charge that Mr. Moore or Mr. Hackworth in that campaign said anything or did anything towards preventing by intimidation the negroes from voting the People's ticket?—A. Well, that was undue influence brought to bear on them.

Q. I am not talking about undue influence.—A. I do not think they made any threats of personal violence to the negroes. I do not think they said anything which would warrant them in believing they would be killed or anything of that sort.

Q. And you do not know of any white man's Republican club in the county?—A. There was a club that met in Mr. Hackworth's office, and there were white and black both that went to it. I do not know whether it would be considered a white or a black man's club.

Q. That was a county organization, was it not?—A. I suppose so; they all attended it; it was a general place of resort.

Q. Didn't you have in the same sense a Democratic club?—A. No, sir; none of that kind.

Q. Didn't you have an executive committee of the canvass?—A. Yes, sir.

Q. And didn't they have an office?—A. Yes, sir; where they went in the day time.

Q. The Democrats who felt an interest in the canvass, from different parts of the county, congregated there?—A. They went there whenever they pleased.

Q. Did that differ in any respect from Mr. Hackworth's office, the club that met there?—A. I think it did.

Q. In what respect?—A. Our meetings were held in the day-time and with open doors, and their meetings were held generally at night, and men had to give a countersign before they were admitted, and had to pledge themselves to vote that ticket.

Q. Do you know that to be a fact?—A. Only from hearing others say so.

Q. Who said so?—A. The negroes.

Q. Republican negroes?—A. Yes, sir; they are all Republican in our county, the negroes are.

Q. I am talking about the negroes who did not vote the Democratic ticket. I ask you the name of a negro who voted the Republican ticket, who told you any such thing?—A. I must say that I had very little talk with the negroes who did vote the other ticket.

Q. You did not associate with them?—A. I heard one that I can remember, a negro named John Moore; he told me they had a rule of that kind, and I know that he voted the Republican ticket.

Q. That is, they did not allow negroes in there at their consultations who were supporting the People's ticket?—A. Yes; those who would not pledge themselves to support their ticket.

Q. You do not think that is strange that they should not want at their consultations a negro who would go right out to your headquarters and tell you what their plans were, and who would not stand by the ticket; you do not consider that a very strange thing, do you?—A. No, sir.

Q. You would not consider that intimidation, would you?—A. No, sir; I do not consider that intimidation.

Q. Or anything improper in a political organization?—A. Well, that alone might not be.

Q. Do you think if your Democrats, white and black, the leaders I mean, were congregated, discussing the plan of campaign and the situation in different parts of the county, that they would be willing to have any man there who they thought would go off to the other headquarters and report everything that he heard?—A. I think it would be very strange if they had a doorkeeper there and should swear them to support each and every man on the ticket.

Q. That is not an answer to my question. You do not think there would be anything strange in that, do you?—A. Yes, sir; I think that was a very strange proceeding.

Q. You said Mr. Schutze had a bad reputation among the Germans?—A. Yes, sir.

Q. For what; because he had left his wife?—A. For one thing he had left his wife; another thing that he was keeping a negro woman. I heard that. I know nothing of him of my own personal knowledge, and never had a dozen conversations with him in my life.

Q. He was divorced from his wife, was he not?—A. I do not know; perhaps he was.

Q. The court granted him a divorce on testimony given in court?—A. I do not know anything about his divorce, and do not know that he was divorced.

Q. Don't you think it would be more manly for you, before circulating a report prejudicial to him as to his relations to his wife, to ascertain

something about the circumstances under which he left his wife?—A. I think a man could have a wife, and get a divorce from her, and still not be very honorable in it.

Q. You think your judgment would be more accurate and correct than a decision of the court, based on the testimony?—A. I think divorces are often granted to men when they are altogether to blame for the separation.

Q. Do you know of any Democrats down there who have ever left their wives?—A. Well, perhaps so; I don't know of one just now, I believe.

Q. Do you know of any Democrats there who have got divorces from their wives?—A. I am not vouching for the Democrats of the whole county; perhaps so. I do not know of one just now.

Q. You do not know of a Democrat who has got a divorce from his wife?—A. I know one Democrat whose wife got a divorce from him, I believe.

Q. You would not condemn Mr. Schutze as a bad man simply because he got a divorce from his wife?—A. I did not say that getting a divorce from his wife necessarily made him a bad man.

Q. Or for quitting his wife?—A. For leaving his wife under the circumstances, and his general reputation; I think I am warranted in saying that it is not very good, from what I have heard of it. It is currently reported that he lived with a negro woman there; I don't know whether that is the fact.

Q. You hear current reports about men of that sort which are not true in every community?—A. I reckon many of them are not true; yes, sir.

Q. Do you know of any Democrats there who have been reported to keep negro women?—A. I do not know that I do.

Q. Just stop and think a minute and see if you don't. I want to show that they were not driven out for that.—A. You can't show by me that Mr. Schutze was driven out. I don't know of any Democrat in that county who keeps a negro woman.

Q. That is not what I asked you. You do not know that Mr. Schutze did?—A. No, sir.

Q. I ask you if you know any Democrat in that county who was reputed to keep a negro woman?—A. Well, keeping a negro woman; Mr. Schutze was considered to support her. I do not know of one; I know of Democrats who—

Q. Do you know of any Democrats there who are reputed to maintain licentious relations with negro women, if that phrase suits you better?—A. No; not specially with negro women.

Q. Well, negro or white women?—A. I don't know but what there are men who are in the habit of going with women.

Q. You do not know of any one who has been driven out of there for any such thing, do you?—A. No, sir; I do not.

Q. That had nothing to do with the prejudice that was created against Mr. Schutze?—A. I could not tell you whether that influenced it or not.

Q. You say Mr. Hackworth was a man of bad character?—A. I said his reputation was not good.

Q. In what particular?—A. I think there are many charges against him in the county, in the community.

Q. What kind of charges?—A. Some for malfeasance in office.

Q. Those charges were investigated by the grand jury, were they not?—A. Yes, sir; and some bills found.

Q. And *nolled*, were they not?—A. He was never punished for it.

Q. He was tried on one of those bills and acquitted by a jury, was he not?—A. Perhaps so.

Q. Why don't you say so, if you mean to do him justice, instead of retailing only a portion of the fact?—A. Well, I will say that he was.

Q. Why didn't you say it until I forced it out of you? You knew that he was tried and acquitted, didn't you?—A. Yes, sir.

Q. You knew that he was acquitted?—A. He was acquitted by men of his own sort.

Q. Was the jury composed wholly of Republicans?—A. I did not see the jury that acquitted him.

Q. What do you mean by saying he was acquitted by men of his own sort?—A. The officers were of his stamp.

Q. Did the officers serve on the jury?—A. No, sir; but the officers put the men on the jury.

Q. The jury, then, was composed of men who were guilty of malfeasance in office?—A. I did not say so.

Q. You do not know anything about the jury, do you?—A. I said I did not know about the men on the jury.

Q. You do not know whether they were Democrats or Republicans, do you?—A. No, sir.

Q. Or whether they were good or bad men, do you?—A. No, sir.

Q. Why did you say, then, that he was acquitted by a jury of his own sort?—A. I say they were put on there by men of his sort.

Q. You said that he was acquitted by a jury of his own sort?—A. Well, I will correct it, then, and say they were put on by men of his sort.

Q. You do not know but that the jury was an entirely unexceptionable jury, do you?—A. No, sir; I do not.

Q. But they acquitted him on the evidence?—A. Yes, sir.

Q. None of the rest of the indictments were ever tried, were they?—A. Not that I know of.

Q. The indictments were for technical violations of the law in expenditures of money by the board?—A. I think they were for using money that he was not warranted in using.

Q. Well, what were they?—A. Some of them were for misuse of the county money.

Q. In what respect?—A. One, and perhaps the one he was tried on, was for misappropriating money that was bridge and road money.

Q. He was acquitted on that?—A. Yes, sir.

Q. What others?—A. I do not know that I could explain what the others were for exactly.

Q. In what other respect is his reputation bad?—A. He used to drink very hard; I do not think he does now.

Q. I suppose there is no Democrat down there who used to drink very hard?—A. Yes; a plenty of them.

Q. Are they turned out of the community for that reason?—A. No, sir.

Q. A good many have kept on drinking while he quit?—A. It is said that he quit, but I have heard others say that he had taken it up again since.

Q. Well, that is a misfortune rather than a crime, isn't it?—A. Yes, sir; I suppose so.

Q. Why do you lug that in here against his character and integrity as a good citizen?—A. I have heard that he misappropriated post-office money.

Q. And you also heard that was a lie, that he was acquitted under

the direction of the court?—A. I have heard that his brother's wife gave that testimony, and that he never had been tried for it.

Q. You refer to his tampering with a registered letter?—A. Yes, sir.

Q. Did you hear that he was tried for that?—A. I do not know that he was.

Q. And acquitted of it?—A. I don't know that he was ever tried for it.

Q. Did you not hear that he was tried for it and acquitted of the charge?—A. Perhaps he was.

Q. Had you heard that?—A. I do not know that I ever did hear whether he was ever tried.

Q. Or ever acquitted for it?—A. Or acquitted for it.

Q. Can't you tell whether or not you ever heard of Mr. Hackworth's being tried on that charge and acquitted?—A. I do not know that I ever did.

Q. You do not know whether you did or not, then?—A. No, sir; I do not.

Q. You are not very careful in your statements against these men, are you?—A. I think I am.

Q. How long have you lived in that community?—A. I have lived in Brenham about three years.

Q. You recollect when Mr. Hackworth was charged with opening a letter and extracting the money from it, do you not?—A. I told you that I heard it talked about.

Q. You recollect when Mr. Hackworth was taken to Galveston for trial?—A. I do not know that I remember; I heard that he was taken there, but when I do not know.

Q. Was it not a matter of general talk in the community when he came back, acquitted?—A. The mere fact that they did not do anything with him would warrant the conclusion.

Q. How can it happen, consistently with good, fair treatment of these men, that you remember everything that can be raked and scraped up against them, and do not remember any of those things that tell in their favor?—A. I told you that he had been acquitted by the grand jury on one of the indictments.

Q. You told me after I dragged it out of you.—A. You can drag some more if you want to.

Q. I have to drag from you every exculpatory fact that I get. You said he was indicted, and left it there. Now that is not fair treatment of this man, when you know yourself that he had been tried and acquitted on that indictment. Do you consider that just and fair treatment?—A. Well, yes, I think I do.

Q. Do you think if you were one of the petitioners here and had been indicted and acquitted, and Mr. Hackworth was called upon to spread abroad testimony as to your character, and he stated that you had been indicted, but neglected to state in the next breath what he knew, that you had been acquitted, do you think that would have been fair?—A. I supposed you knew the fact.

Q. Answer my question; do you think it would be fair to you?—A. I think it would be detrimental to my reputation even to be indicted.

Q. Do you think it would be just, fair, and honest testimony for him to state that you had been indicted, and fail to state that you had been acquitted, when he knew the fact?—A. Well, I have given you that fact.

Q. But I ask you, do you think it would be fair?—A. I think that my testimony in regard to Mr. Hackworth has been altogether fair; I do not intend it to be anything else.

Q. What about Mr. Potter; is he a man of bad reputation?—A. I don't know anything serious against Mr. Potter, only that he has made speeches.

Q. Did Mr. Hackworth do anything down there which is not done by Democrats in that community?—A. Perhaps the offenses he has been guilty of, some Democrats have committed; perhaps the Democrats have done the same thing he has, some of them—I do not know.

Q. I suppose there are lots of Democrats in your community who do not stand any better than he does?—A. There are lots of them that do not stand very well.

Q. And lots who do not stand any better than he does, are there not?—A. I do not know of one.

Q. Did you ever hear of any of those men being notified to leave town?—A. Yes, sir; I have heard of their being notified to leave; our county judge was notified to leave?

Q. Do you refer to Judge Kirk?—A. Yes, sir. These notices were very common at one time; nearly everybody in town got them.

Q. The inference then is that the county judge does not stand any better than Mr. Hackworth?—A. No, sir; I didn't mean to say that.

Q. You say that in regard to Mr. Moore there is nothing against him but his speeches?—A. I do not know. I said I did not really know anything against Mr. Moore which was very serious.

Q. What do you know against him?—A. I don't know that I know anything against him.

Q. Don't you know that you don't know anything against him?—A. I told you that I didn't know of anything against him; isn't that enough?

Q. He is a reputable man there, then?—A. He does not stand very well; I believe most everybody in the town goes against him.

Q. Does any man stand very well there who was a radical, red-hot Republican; I mean with the Democrats?—A. There are a great many Republicans who stand as high as any Democrat.

Q. Republicans who make speeches at negro meetings?—A. I don't know whether many of them take stock in owl meetings or not.

Q. You think the Republican who is not generally considered among the Democrats there as standing well, is the Republican who makes speech to negroes; that he is a low-down white?—A. I do not know that I can say that. I know men, Republicans, even on the ticket, who are considered very well.

Q. It is pretty nearly that, is it not; any man, any white Republican, who makes speeches to the colored men is considered "off-color," is he not?—A. That is true of any man who goes around with them, sleeps around with them, and who dissatisfies them with their condition and the men who are with them.

Q. But is it not considered that a white Republican who makes speeches at negro meetings is not entitled to the respect of people generally?—A. I cannot say that I can answer you that question. I can tell you that there were men on this ticket the last time that were considered to be very decent men; I can name them for you if you want that done.

Q. You tell so many things that I do not care anything about, and do not answer my questions. You cannot answer my question, then?—A. Yes; I can answer it for you.

Q. Why don't you, then?—A. I don't think that because a man simply makes a speech at a colored meeting it would have much to do with his standing.

Q. It would have something to do with it, wouldn't it?—A. I don't know that it would.

Q. Suppose he made a speech at a colored meeting in which he told the negroes that the Democratic party was hostile to their best interests and that the Republican party had always been true to the interests of the negro, had freed them from slavery, and that they would be ungrateful to the party and false to their race if they did not stand by the Republican party; what would you say to a white Republican who would make such a speech as that to a crowd of colored men; wouldn't he be considered to be "down the bank" socially?—A. I think that any man who would make speeches to the negroes that would cause them to be dissatisfied—

Q. Answer my question.—A. I don't know but what it would; a great many people would not feel as good towards them, I think.

Q. The most of the white Democrats would not feel as good or as kind towards a man who would make that sort of a speech?—A. Many of us would think he had no business to do it.

Q. And would not feel very good towards him if he did do it? Did you ever hear any Democratic speeches made at negro meetings by white Democrats?—A. Yes, sir; I have.

Q. But you never heard of any white Democrat there losing caste for addressing a negro meeting in behalf of the Democratic People's ticket, did you?—A. No; I do not know that I did.

Q. Then their social standing on that score would depend somewhat upon which side they were?—A. It would depend altogether upon what sort of a speech they made.

Q. You heard about the hanging of the negroes down there?—A. I did.

Q. Did you have anything to do with it?—A. No; I was not there.

Q. That is not an answer to my question.—A. I will say then that I did not have anything to do with it.

Q. Why didn't you say so at once? Did you hear of any efforts being made down there by the authorities to ascertain who did it, and to punish them?—A. There were inquiries made around about it, but I never heard anything which would lead to a suspicion of who did it.

Q. You never heard of any reward being offered for the apprehension of the men who did it?—A. I don't remember of any reward being offered.

Q. Did you attend the meeting at Eldridge Hall?—A. Yes, sir; I did.

Q. Of course you did. Did you make a speech?—A. I did not.

Q. Did you hear Judge Kirk's speech?—A. I did.

Q. Did you hear him make any motion in the meeting?—A. I did not hear him make a motion at all.

Q. Did you hear him advocate the expulsion of anybody from the county if they did not stop making Republican speeches?—A. I heard him say that it was reported on the streets that old man Potter had told the negroes that they intended to have their offices or their rights—I do not remember which he said—and he said that he thought it was necessary, or it behooved the people to take some action for their safety, and he was in favor of having these men informed that they must quit making those threats and quit talking to the negroes, and that that thing must be stopped, this shot-gun theory; that they would be notified either to stop it or leave. That is about the substance of his speech.

Q. Don't you think that smelt a little bit like a threat?—A. I did not think it was a threat at all; everything was conditional.

Q. If a colored man says to another colored man, "If you vote the Democratic ticket I will not associate with you," you call that a threat?

—A. I didn't say that was a threat.

Q. Don't you call that a threat?—A. No, sir.

Q. Don't you say it is a species of intimidation?—A. Yes, it is a species of intimidation.

Q. But if at a public meeting a county magistrate, a Democratic county judge, referring to leading Republicans in the county, says that he understands they are proposing to claim the offices, and that he thinks they ought to be notified to leave the county or stop——A. I said to have their rights if they had to get them at the mouth of the shotgun; that they would resort to the shotgun.

Q. You did not say that.—A. I did say it a while ago.

Mr. SPOONER. Let the stenographer read what he did say.

The stenographer read as follows:

A. I heard him say that it was reported on the streets that old man Potter had told the negroes that they intended to have their offices or their rights—I do not remember which he said; and he said that he thought it was necessary or it behooved the people to take some action for their safety, and he was in favor of having these men informed that they must quit making those threats and quit talking to the negroes, and that that thing must be stopped, this shotgun theory; that they would be notified either to stop it or leave. That is about the substance of his speech.

Mr. SPOONER. When you undertake to run a muck against a stenographer, you are undertaking a pretty big contract.

The WITNESS. Well, the stenographer put that in himself.

Mr. SPOONER. I know what you said. You said just what was taken down. That doesn't look to you like intimidation at all, does it?

The WITNESS. You may put your own construction on it.

Q. I am asking for your construction.—A. It was a matter of public safety——

Q. Answer my question.—A. Put your question over again.

Q. The question was whether it was intimidation or not in making those remarks.—A. It was not intended as intimidation.

Q. You do not know what was intended by some other man, do you?—A. That is the way I understood it.

Q. I am not asking for that. You do not know what a man intended by his speech? Did you hear any denunciation in that speech of the raiding of the ballot-boxes in the Washington district?—A. Yes, sir; I did.

Q. Who made it?—A. I heard several speak of it, and I heard Colonel Giddings, for one, say that he denounced it as being very bad, but he said he thought that we were elected, even if they did steal the ballot-boxes. It was his opinion, from what I heard him say and the remarks that he made, that the Republicans stole the ballot-boxes.

Q. Was there any talk in that meeting about the Republicans contesting the election?—A. I do not remember hearing anything about that.

Q. Wasn't there a report that they intended to contest the election?—A. I heard that on the streets.

Q. But in the meeting?—A. I don't remember that anything was said about it in that meeting. I heard Colonel Giddings say in that meeting, with regard to the ballot-boxes, that he thought that, as we were elected any way, it was best to be satisfied with it, even if they did steal the ballot-boxes; that our ticket was elected, and it was his opinion that those Republicans were the men who stole them.

Q. Do you know whether anybody invited Mr. Potter to come to that

meeting to explain or answer the accusation made against him?—A. I do not know whether he was invited there or not; I could not tell you.

Q. You know that he denied making any suggestion to the negroes, do you not?—A. I do not know that he did.

Q. Do you know of any reward having been offered for the apprehension of the men who raided the ballot-boxes?—A. I do not know that I do.

Q. Do you know of any Democratic ballot-box in the county which was raided?—A. The People's ticket? We had no Democratic boxes there; but the People's ticket was ahead. My understanding was——

Q. Answer my question, if you please.—A. All right.

Q. Do you know of any polling place in the county at which there was ordinarily a Democratic majority, where the ballot-box was raided?—A. I could not tell you whether those were Democratic majorities or not. At one of those places—Lotts' Store—it was my opinion that the People's ticket was ahead there before.

Q. You do not know anything about that, do you?—A. I tell you we had no Democratic ticket there.

Q. I say you do not know anything about that, about the majority, of your own knowledge?—A. The People's ticket had a majority there two years ago, and the men were robbed of one of the boxes from there when they were coming home with it.

Q. Two years ago?—A. No, sir; they were robbed this time. I say we do not know who had the majority this time, but we had a majority there two years ago.

Q. We have had direct testimony on that subject from men who were there and knew about it.

Colonel GIDDINGS. Was it not understood at Graball that the People's ticket was ahead there?

The WITNESS. Yes, sir.

Colonel GIDDINGS. Then there was no motive for robbing that box?

The WITNESS. There was no motive on our part that I could see for destroying it, or reason why they wanted to destroy it.

Mr. SPOONER. Whether you saw any reason for it is a matter of no consequence. When an objection is made to an answer you stop until you are told to go ahead.

Colonel GIDDINGS. What about the box at Flewellen; was that box destroyed or was it found there the next day?

Mr. SPOONER. Wait a moment.

The WITNESS. My understanding was that the box was found on the premises the next day.

Colonel GIDDINGS. What condition were the tickets in?

The WITNESS. They were scattered around generally.

Colonel GIDDINGS. Two years ago didn't that section of the country give a majority for the People's ticket?

The WITNESS. It did; yes, sir; and we expected a majority there this time.

Colonel GIDDINGS. You mean for the candidates on the People's ticket?

The WITNESS. Yes, sir.

Colonel GIDDINGS. Do you know anything about the standing of Mr. Schutze in that portion of the county on account of some conduct of his, while he was prosecuting attorney, against the negroes in that section?

The WITNESS. I have heard quite a number of negroes say, and there are several who come up to Brenham during the campaign who said, that Mr. Schutze had fined them, and they had paid the fine and had

the receipts, and I believe some of them swore to it, and there was nothing found on the docket in regard to it. His reputation was not good.

Colonel GIDDINGS. Was he a popular or unpopular candidate in that section of the county?

The WITNESS. He was very unpopular among the negroes in that part of the county, and among the white people, too—a good many of them.

Colonel GIDDINGS. Have you heard negroes say that they were compelled to vote for Mr. Schutze?

The WITNESS. I have heard them say that he is one of their men; that they did not want to vote for him, and that they would not vote for him if they could possibly help it; but that he was on that ticket, and therefore they were necessarily compelled to vote for him.

TESTIMONY OF HENRY HODDE.

HENRY HODDE, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your name?—Answer. Henry Hodde.

Q. How old are you?—A. I am forty-eight years old.

Q. Where do you live?—A. I live in Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived there about twenty-seven years.

Q. What is your business?—A. Merchandising.

Q. What are your politics?—A. I am a Republican.

Q. How long have you been a Republican?—A. Ever since I have been in America.

Q. What ticket did you vote in 1884—what local ticket?

The WITNESS. Do you mean two years ago, or this last election?

Mr. EUSTIS. I mean two years ago.

A. I voted the People's ticket.

Q. What were the reasons for making up a People's ticket in that county?—A. Our county heretofore, for many years back, had been badly managed, and the good citizens of the county and tax-payers agreed to put politics aside and make a People's ticket regardless of politics, and select the men, and those men were selected and elected.

Q. Did many Republicans take that view of it?—A. Yes, sir; I think the German population, seven-eighths of them, belong to the Republican party, and they took the same view and supported the People's ticket—that is, the local ticket. But in national politics the ticket was headed either Democratic or Republican, so that they could vote as they pleased; but in local affairs they voted the People's ticket.

Q. That was caused, you say, by bad administration in county affairs previous to 1884?—A. Yes, sir.

Q. What party was in power there in the county at that time?—A. It was said to be the Republican party, but there were some few Democrats also who were elected—for instance, the county clerk.

Q. Do you know what is the standing and general reputation of S. A. Hackworth?—A. In the community it is considered not very good.

Q. Do you know what the standing and reputation of Mr. Schutze is?—A. About the same; not considered very good.

Q. Do you know whether the mere fact that a man is a Republican in that community prevents him from living there peaceably and quietly?—

A. Under no circumstances. I have freely explained my opinions.

Q. A man is not molested in his business or social relations on that account?—A. Not the least.

Q. Do you think that Mr. Hackworth, Mr. Schutze, and Mr. Moore could have remained there if they chose?—A. Of course; that is my opinion.

Mr. EUSTIS. That is all I care to ask.

By Mr. TELLER:

Q. How long have you lived in Texas?—A. Twenty-seven years.

Q. You have been a Republican all the time?—A. Yes, sir.

Q. You acted with the Republicans until when?—A. I do up to to-day, except in local matters.

Q. You acted with the Republicans in local matters until when?—A. Up to about, we will say, two years ago last fall.

Q. In the election of 1882 you acted with the People's movement?—A. I was in favor of the People's movement.

Q. In 1882 or 1884?—A. In 1884.

Q. In 1882 you acted with the Republicans?—A. I will not say that I voted the straight Republican ticket at that time, and I do not suppose I have for the last eight years, because they did not always have men on it that I thought were honest. Even in 1882, when Leib was elected, I think it was, I was opposed to him. I knew he was a thief.

Q. What proportion of the People's ticket in 1884, of the nominees, were Republicans—I mean the people on the ticket, the candidates?—A. Well, there was myself for one.

Q. What were you running for?—A. For county commissioner, and was, already, previously to that. Then there was Mr. Minkwitz, the county treasurer, and Mr. Schlenker, who was collector.

Q. How many members were there on the local ticket?—A. There was Mr. Weidemyer, who was a Republican, elected county commissioner—

Q. Did you attempt to divide the thing evenly between the two parties?—A. We selected the very best men we thought we had in the entire county for that position, regardless of party or color.

Q. Without reference to politics?—A. Yes, sir; without reference to politics.

Q. Did you do the same in 1886?—A. In 1886 we made up a petition and indorsed again those in office, and they became candidates again for the same positions.

Q. So that you were running for office in 1886?—A. No, sir; I was not.

Q. You did not run then?—A. No, sir.

Q. You are not now a county officer?—A. No, sir; I am not.

Q. What part did you take in the last election?—A. No particular part at all.

Q. Were you a member of some committee?—A. No, sir.

Q. You say you think Mr. Hackworth's character is bad; what is the complaint against him?—A. That is the general opinion in the community.

Q. What is the complaint against him?—A. I could not say.

Q. What was the character of his transactions?—A. I could not say any more than what I have said.

Q. Is he charged with immorality or licentiousness?—A. I do not know.

Q. Or with stealing?—A. I do not know.

Q. Then you do not know what the charges are against him?—A. No particular charges.

Q. But you understood his character was bad in that community?—A. Yes, sir.

Q. Is he pretty active against the People's ticket usually?—A. I don't know whether he took an active part against it or not; I could not tell you.

Q. You think that Mr. Moore, Mr. Hackworth, and Mr. Schutze could have remained in that county without any trouble?—A. I think so.

Q. You said Mr. Schutze's character was not good; what was the complaint about him?—A. It was the same; he is not considered much amongst the good people of the town; I know that he would not be admitted to visit most of the best citizens or admitted to their residences.

Q. He is not recognized socially?—A. No, sir; he has a low character.

Q. Do you know why?—A. I suppose he has misbehaved so that people got tired of him.

Q. In what particular did he misbehave?—A. I could not explain myself exactly; it is only hearsay.

Q. You say that they might just as well have remained there; that they need not have left?—A. Yes, sir.

Q. You knew there were some threats made against them if they did not leave?—A. Not that I heard of.

Q. Were you at this public meeting at Eldridge Hall which has been spoken of?—A. Yes, sir.

Q. At a meeting held a few days after the election you were appointed a member of a committee, were you not?—A. There was a committee appointed from each of the precincts of the county, and I was on the committee for one of the precincts.

Q. That was on the 4th of November?—A. I do not remember the date, but it was a few days after the election.

Q. What was the purpose of that committee?—A. At that time there was some current news on the streets of rioting or raising rows amongst the freedmen, and so the people met and had these committees appointed in order to protect life and property in case anything should happen.

Q. Nothing did happen, however?—A. No, sir; nothing happened; everything was quiet.

Q. Was this meeting held with reference to the loss of the box at Graball, or in connection with that matter?—A. No, sir.

Q. Was anything said about the loss of the box at Flewellen?—A. I think it was spoken of that if the box had not been lost; the People's ticket would have been elected anyway.

Q. Even if that had not been stolen?—A. Yes, sir.

Q. But the committee had nothing to do with the loss of those boxes, or the stealing of the Lotts' box, or anything of the kind?—A. No, sir; not at all.

Q. At the second meeting you were appointed the chairman of the committee?—A. The committee met and I was appointed chairman of the committee by the committee of the whole.

Q. Did you call this second meeting?—A. I think it was on Thursday, and since that they had been ordered not to come in, but a few came in on that day, and that was the last meeting we had.

Q. What was the purpose of this second meeting?—A. That each committee should report from their precinct how many men they had

in their precinct, so that in case anything happened they would be ready to stand by the citizens.

Q. What did you think might happen?—A. Some row might occur in the county. There seemed to be some dissatisfaction amongst the colored people and the colored leaders.

Q. Who was sheriff of the county?—A. Mr. Dever.

Q. Is he a Democrat?—A. I think so.

Q. Elected on the People's ticket?—A. Yes, sir.

Q. You have two military companies in your town, have you not?—A. One only, as I understand.

Q. It has been testified that you had two.—A. I am not positive about that business.

Q. But you had one military company?—A. Yes, sir.

Mr. JODON. There were two military companies there which had arms from the State government.

Mr. TELLER. It has been testified that there were two military companies armed by the State government.

The WITNESS. Both of them don't amount to much.

TESTIMONY OF WILLIAM THOMPSON.

WILLIAM THOMPSON, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. William Thompson.

Q. Where do you live?—A. I live near Brenham, in Washington County, Texas.

Q. How far from Brenham?—A. About two miles and a half.

Q. How long have you lived there?—A. I have been living two and a half miles from Brenham for sixteen years.

Q. What is your business?—A. I purchase cotton for Northern manufacturers.

By Mr. TELLER:

Q. You are a cotton broker?—A. A cotton dealer; yes, sir.

By Mr. EUSTIS:

Q. What are your politics?—A. I have always voted the Democratic ticket since the war.

Q. Do you know Mr. S. A. Hackworth?—A. Yes, sir.

Q. One of the memorialists?—A. Yes, sir; I have known him for a number of years there.

Q. What is his standing and reputation in that community?—A. I know very little about Mr. Hackworth personally, and never have had much association with him, but as an official there, I know he was odious to the best sentiment of the community and the county. He was an official only in one of the precincts of the county. In our town or justices' precinct his reputation was not very good.

Q. Do you know anything about the standing and reputation of Mr. Schutze?—A. Only from the general reputation of the man in the community. He is a man with whom I had no intercourse of any character. I do not think I ever knew a man afflicted with as great an amount of leprosy in my life as Mr. Schutze, personally.

Q. By leprosy you mean moral leprosy?—A. Yes, sir; I mean moral leprosy. As an official he was regarded as corrupt, and I think his so-

cial ostracism from the entire German families of that county (and they are very clannish) is complete and perfect. I do not think there were half a dozen families in the county that he would be admitted access to.

Q. Do you know anything about the standing and reputation of Mr. Moore?—A. Yes, sir; I have known Mr. Moore rather familiarly for a long time. I know nothing on earth against Mr. Moore's character. As an official he was regarded as having discharged the duties of his office always fairly and faithfully.

Q. Do you know anything about the circumstances of his leaving?—A. I do not.

Q. And he never told you?—A. No, sir; I never heard him say a word about it. I think the only objection that could be raised to Mr. Moore was probably that sometimes in his official intercourse he was not as courteous as he might have been, but I never felt the effect of that myself. I think Mr. Moore is a different man from the other two, entirely.

Q. What is your opinion, from what you heard and from everything that has occurred and transpired, so far as your observation extends, as to these people being obliged to leave that community simply because they were Republicans; do you believe any such thing as that?—A. I do not know anything of the sort. I can hardly realize that in a community like ours a man should have to leave on account of his politics. No, sir; I do not know that either of those political leaders, Hackworth or Schutze, had to leave, and I do not know that I have ever heard Mr. Moore charge that he was advised to leave; he has not testified, I believe. I think those other individuals were not odious because they were Republicans, but in regard to Mr. Hackworth especially I think it was because he manipulated the colored element of the Republican party, and that is only one element of it, because almost the entire German community there are Republicans. He manipulated the colored element of the Republican party in such a way as to impose upon the people of that county office holders who were obnoxious, and I think the opposition to them was chiefly on that account. It gave birth, as has been testified here by a number of others, to a People's party, the People's ticket, which was the result of a fusion between the Republicans and the Democrats in the interest of good county government.

By Mr. TELLER:

Q. You say Mr. Hackworth's reputation as an official was odious to the best citizens. To whom do you refer when you speak of the best citizens of the county—the men who voted the People's ticket?—A. Not necessarily. I do not know, however, that it was odious to his own party; it is not usually the case.

Q. It was odious to Democrats, then?—A. Well, of course, if I understand the position of the South, as a general thing, with the exception of the German element there, the majority of the property-holders in that country are Democrats. The colored element, as you know, unfortunately, are not in possession of much property.

Q. Most of the native people, the white people, are Democrats?—A. Yes, sir.

Q. It was odious to that class you speak of?—A. I think I would be warranted in saying that Mr. Hackworth was probably as odious to the German element of the Republican party as he was to the Democrats.

Q. He was odious because he manipulated the politics of the colored people?—A. No, sir; if you will permit me to explain myself, as I am responsible for my statement, I would like to do so.

Q. I thought you had gotten through.—A. Mr. Hackworth seems for a number of years to have been unable to control any of the offices in his own county himself.

Q. You mean to secure any of them?—A. To secure any of them, I said, in his own interest.

Q. Do you think he manipulated the colored vote?—A. I think he was a perfect success in that way.

Q. He had a good deal of influence with the colored people?—A. I judge so from the fact that he seems in this last election to have been rather out in the front.

Q. How about Mr. Schutze; he was a bad man morally?—A. Well, as I stated at first, I never had any intercourse with him, but I give you his reputation in the community.

Q. You speak of his reputation?—A. Yes, sir; that was his general reputation in the community.

Q. Was that independent of his political affairs?—A. I think so. I think his politics was the least cause for his condemnation.

Q. Mr. Moore, you say, was a reputable man?—A. I so regarded Mr. Moore.

Q. You have known him for a good while?—A. I have been associated with Mr. Moore for a number of years.

Q. Is he a native of that country?—A. I do not know; I think not. I think Mr. Moore is from Alabama.

Q. Is he a Southern man?—A. Yes, sir; I think he is from Alabama.

Q. You have been somewhat intimate with him?—A. I have, in some respects.

Q. Socially?—A. If you mean by that any intercourse by families, we have not had much, but Mr. Moore's intercourse with myself has been sometimes intimate; yes, a good deal so.

Q. And you have never known anything against him?—A. No, sir.

Q. As a public officer you think he discharged his duties well?—A. I do; he has that reputation.

Q. What office did he hold?—A. He was district clerk and sheriff.

Q. Both?—A. Yes, sir.

Q. Was he sheriff more than one term?—A. I think not.

Q. How long was he district clerk?—A. I think he was district clerk for two years, or probably longer.

Q. Is the district clerk appointed by the judge?—A. No, sir; he is elected by the people. He was elected on the Republican ticket. Our county has been in the possession of the Republican party ever since the war until two years ago.

Q. Until the People's ticket was organized?—A. Yes, sir; with the exception that Mr. Lewis, I believe, was elected county clerk for a number of years.

Q. You were up at Chapel Hill?—A. Yes, sir; I went to Chapel Hill the morning of the election, with my son-in-law, Mr. Lockett, who was candidate for district attorney.

Q. Mr. Lockett was on the Republican ticket?—A. No, sir; not as a candidate. The Republican party of the district had to vote for district attorney as well as the Democratic party, and it was a question as to which of the two Democratic candidates should get the Republican vote. There were two candidates, Ragsdale, of Burleson, and Lockett, of Burleson.

Q. Lockett was a Democrat?—A. Yes, sir; he claimed to be, and was acknowledged to be.

Q. What occurred at Chapel Hill?—A. Nothing that I know of. I started about daylight, and rode down there in a buggy; it is about 9 or 10 miles.

Q. You went down there to aid Mr. Lockett, your son-in-law, in his candidacy?—A. He desired me to go down there.

Q. Did you stay there?—A. I staid there until noon; I went down in the morning, and came back on the train at noon.

Q. Why didn't you stay longer?—A. Everything was very quiet there, and I wanted to come back to vote.

Q. There was no other reason, was there?—A. No, sir; none in the world. I could not vote before I left.

Q. Where did you vote?—A. I voted at Brenham.

TESTIMONY OF GUS HOPKINS.

GUS HOPKINS (colored), having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. Are you a white or a colored man?—Answer. I am a colored man.

Q. The reason I ask you that, preliminarily, is to get a photograph which has to go down in writing. How old are you?—A. I am twenty-eight years old, or will be in a few months.

Q. Where do you live?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have been there about twenty-seven years.

Q. What is your business?—A. I am employed by the city.

Q. In what capacity?—A. As a cartman.

Q. What are your politics?—A. I am a Republican.

Q. Did you vote for Blaine and Logan?—A. Yes, sir; I voted for Blaine and Logan.

Q. What local ticket did you vote, the People's ticket or the Republican ticket?—A. The People's ticket.

Q. Did you vote that ticket in 1884, do you remember?—A. Part of it I did.

Q. I mean two years ago?—A. Yes, sir; part of the People's ticket I voted.

Q. How did you vote at the last election?—A. I voted the People's ticket straight out and out.

Q. Why did you vote for the People's ticket instead of the Republican ticket at the last election?

The WITNESS. Why did I do it this last time?

Mr. EUSTIS. Yes.

A. Because the people's administration had shown to me that it was a more fair and honest administration and was better for the people in general.

Q. Do you know whether a good many of your colored people wanted to vote the People's ticket?—A. Yes, sir; there was a good many who wanted to do it, and there was a good many who did vote the People's ticket.

Q. Was it the opinion of yourself, and people like you, who voted the People's ticket, that your rights would be fully protected under that administration?—A. Yes, sir; that was the conclusion that a majority

of the people—well, a large number of them, but not the majority of the colored people, came to.

Q. Was it known among the colored people, that the administration of their school affairs was better, for the colored people, under the People's administration than under the Republican ticket?—A. Yes, sir; that was about one of the first things that caused the colored people—so many of them—to go that way. We had seen the difference. The teachers of the county never had any trouble in getting their money for teaching or anything like that since the People's administration had been in power there.

Q. Do you know of any efforts being made by these white Republican leaders to prevent the colored people from voting the People's ticket?—A. Yes, sir; there had been some effort made to prevent it, and it created quite a disturbance and excitement among them.

Q. Among the colored people?—A. Yes, sir.

Q. Haven't the colored people there a good many societies?—A. Yes, sir.

Q. Church and charitable societies?—A. Yes, sir; there are churches and one or two charitable societies.

Q. And social organizations?—A. Yes, sir.

Q. Are not the colored people who want to vote the People's ticket threatened with losing their membership in the church and their membership in these societies if they vote the People's or Democratic ticket?—A. Yes, sir; if they vote the People's ticket.

Q. They consider it a great hardship, do they not, to be excluded from any of their societies?—A. Yes, sir; from any of their societies at all.

Q. Do you know a colored preacher named J. R. Bryan?—A. Yes, sir.

Q. Do you know of any trouble into which he got because he advised the colored people to vote the People's ticket?—A. Yes, sir; I think he was notified by some of the members of his church that he had better pull up stakes and leave there, because the members of that church intended to starve him out there in this coming year if he staid there; that they did not intend to pay him; and he had several insults offered to him and was treated very rough by them afterwards.

Q. And that was because he had advised the colored people to vote the People's ticket?—A. Yes, sir; to vote the People's ticket.

Q. You had two brothers who were killed, did you not?—A. Yes, sir; two of my brothers were killed.

Q. What were their names?—A. Oscar Hopkins and Tom Hopkins.

Q. Do you know whether they voted the People's ticket?—A. Yes, sir; they both voted the People's ticket.

Q. Did not that cause, so far as you know, a great prejudice against them among the colored people?—A. Yes, sir; it caused a great prejudice against them and was the cause of their lives being taken from them as they were.

Q. Who killed them?—A. Dan Nelson.

Q. Who is Dan Nelson?—A. He is a colored man, and supposed to be a Republican; one of the Republican men there.

Q. Is he an active Republican?—A. Tolerably active; he is in with them a good deal.

Q. Were your brothers killed on the spot?—A. Yes, sir; they were shot down; one lived to get home, and the other one did not live to get home.

Q. How were they shot?—A. The first one was shot right in the center of the back, and when he fell the youngest one turned around to

stand him up on his feet, and whilst he was stooping down to pull him on his feet, they shot him right in the forehead.

Q. Was it generally known among the colored people that they had voted the People's ticket?—A. Yes, sir; it was generally known. We had been out on several occasions playing for them in the band, and we had several insults offered to us about our being a Democratic band and things of that kind.

Q. Have any threats been made against you for voting the People's ticket; I mean by colored people?—A. Yes, sir.

Q. State what threats have been made; state fully what you know about it.—A. There was a colored man, a Republican, and a very prominent Republican, among them, came to me awhile after my brothers were shot and told me I had better go to work and sell my place up there where I was living at, because I didn't have a friend in that end of the town; and he said that they didn't intend to come up to my face and hurt me, but they would do it like they did to the boys, they waylaid them; that they would kill me just like they killed the two boys; and he said that he could have told the boys a week before they were killed that they were going to be killed.

Q. When you say "the boys," you mean your two brothers?—A. Yes, sir; my two brothers. He said he knew if I staid there I would go the same way, and he hated to see the whole family killed up in that way, and if he was in my place he would sell the place and go nearer in to town, to a thicker settlement where I had some friends living, but if I staid there I would be certain to be hurt, and there would be no telling which one would do it. He said he could have told me, or the boys either, a week before the killing taken place, that they would be killed, but he didn't want to do it because, he said, of a white Republican there who always went on his bond and would help him out of trouble when he was in it; that he didn't want to lose his friendship by giving away anything that happened in their meetings. He said that they had a meeting in Mr. Fricke's office down there the evening before he told me about it, and had decided to kill three of us, that was me, Algie Hunt, and his boy, and he said they were going to meet and kill Algie and his boy together; one of the colored men in the meeting got up and told them that if they killed Algie to kill his boy with him, just like I told you about killing those two young Hopkinses; it would not do to leave him, because they ought to kill me first and then kill him.

Q. What did they want to kill you and Algie Hunt for?—A. I don't know, sir, unless it was for supporting the People's ticket. I asked him what did they say they wanted to kill us for, and he said it was on account of the course in politics that we had taken.

Q. In supporting the People's ticket?—A. Yes, sir. I asked him was there any more that he knew they was going to hurt, and he said no, that we three was the main ones they intended to hurt if they hurt any more.

Q. You, Algie Hunt, and Hunt's son?—A. Yes, sir.

Q. How old is Hunt's son?—A. Eighteen or nineteen years old, as near as I can come at it. He even told me, if I remained where I was, if my wife or child would die up there they would never anybody come to us to see it unless it was Algie's family and Willis Bagby, another colored People's-ticket man; that no one would even attend the funeral if either one of us was killed.

Q. That the colored people would not come to see your wife if she

was sick or if your child was sick?—A. Or if either one of them would die, they wouldn't.

Q. That they would not come to their funeral?—A. Yes, sir.

Q. Have you heard any threats made against other colored people; did any other colored people ever tell you of threats made against them on account of their voting the People's ticket?—A. No, sir; not particularly I haven't heard of any threats of taking the lives of any of us, but there has been several others who have been talked about, that they would not be allowed in societies and churches and would be mistreated in that way. But for killing any more, I haven't heard they was going to kill any except we three I have mentioned.

Q. But they would not be allowed in their church or societies?—A. No, sir; in their church or societies.

Q. For what, if they voted the People's ticket?—A. If they voted it, and because they voted it. The most of those threats and troubles has been after the election, and a good deal before the election. The People's men were not even allowed to speak in their speakings; they would have meetings and would not allow them to speak.

Q. Would not allow who to speak?—A. Would not allow the People's men to speak, and would come to meetings held by People's men—

Q. You mean they would not allow the people who were supporting the People's ticket to speak?—A. Yes, sir; and they would come to meetings held by the People's men, and would holler them down on the stand, and would not let them speak, and refused to let them when any of the Republicans could get up and speak what they wanted to and advocate their cause.

Q. So I understand you to say that there was a general system of intimidation by colored Republicans against those who wanted to vote the People's ticket?—A. That is it, yes, sir.

Q. And that a colored man came to you and told you what threats had been made against you and your family for having voted the People's ticket?—A. Yes, sir.

By Mr. TELLER:

Q. Who is this man who gave you all this information?—A. It was Hughes McAdoo.

Q. Where does he live?—A. In Brenham.

Q. Is he still there?—A. I heard that he was in Austin.

Q. He has not come up here?—A. No, sir; he is not here.

Q. Did he propose to buy your place when he was giving you this information?—A. No, sir.

Q. You do not know anything about it, except what he told you; you do not know whether he was telling you the truth or not?—A. Yes; I do know; I know that what he told me, some of it, was bound to be facts; for it was about things which had actually happened.

Q. That is, your brothers had been killed at that time?—A. Yes, sir.

Q. And that you knew to be true?—A. Yes, sir.

Q. Do you know whether there was any such meeting held at Mr. Fricke's office?—A. Yes, sir; I know they met there.

Q. Is Mr. Fricke a white man?—A. Yes, sir; he is a German, a white man.

Q. Do you know whether any such meeting was ever held at his office?—A. I know there was a meeting held there.

Q. Do you know there was a meeting held for the purpose of killing people?—A. I do not know whether that was the object of it, but I know they met there and he told me this, what they talked over.

Q. When did you become a cartman in the city of Brenham?—A. I think I have been working for the city about seven years in all.

Q. The city has a Democratic government, has it not—a democratic mayor, councilmen, aldermen, or whatever they are called?—A. I do not know about that.

Q. When did you first vote the People's ticket?—A. I voted a part of it in 1884, I think it was.

Q. And all of it this last time?—A. Yes, sir; all of it this last time.

Q. You say a good many of the colored people did vote for the People's ticket?—A. Yes, sir.

Q. About how many do you think voted the People's ticket in Brenham? Just give a guess.—A. I could not tell you.

Q. Thirty or forty?—A. Yes, sir; I expect there was that many and probably more than that right around there.

Q. Fifty?—A. I cannot tell you positively how many there was, but I know that most all of the teachers of that county voted it, and a good many others.

Q. Because you say they could get their pay better than they could under the former administration?—A. Yes, sir.

Q. You have heard that?—A. Yes, sir; I heard it.

Q. You do not know anything about it yourself; you are not a teacher?—A. No, sir; I am no teacher, but I know they got their money.

Q. You have heard that story and that is all you know about it?—A. No, sir; what I know about it is what I have actually seen.

Q. Let us know what you have seen?—A. One of the teachers has boarded with me a year, and whenever he collected his pay of course he paid his board to me, and that is the way that I know he got his pay regularly every month.

Q. Have you any knowledge that the teachers who taught there years ago when the other administration was in power did not get their pay except what they told you?—A. By what they have told me, how much discount they have had to lose on the voucher.

Q. Then, to come back now, you do not know anything about that except what somebody told you?—A. I know this much about it, that I worked for the county a good while ago—

Q. Never mind, we will come to you afterwards; what is it about the teachers; can you name any teacher who taught under the Republican administration who didn't get his pay; now, just name one?—A. Jerry Randall, he is one.

Q. He never got his pay?—A. By his telling me he didn't.

Q. All you know is by somebody's telling you?—A. Yes, sir.

Q. But you say you know otherwise?—A. I told you that the way I knew was there was a discount on it.

Q. Because he had told you?—A. No; because he told me to go—

Q. What other evidence have you besides what he told you?—A. He discounted all the money that he owed me.

Q. That was in the city?—A. It was before I went to work for the city that I had had scrip given to me, and I had to lose on it.

Q. Scrip for what?—A. For working on the county roads.

Q. They gave you scrip, and the scrip was not at par?—A. Yes, sir.

Q. And it is now at par?—A. Yes, sir.

Q. Was that what you call a difference in the administration?—A. Yes, sir.

Q. Now, you say that a preacher had some trouble there?—A. Yes, sir.

Q. Had he preached and advised the people in his sermon to vote the People's ticket, or how was it brought about?—A. I never heard him mention politics in the pulpit in my life.

Q. What has become of the preacher; is he living?—A. His family is about there, but he is at Austin.

Q. He has changed his location as a preacher?—A. Yes, sir.

Q. And you think it was because he had been advising the people to vote the People's ticket? Are you sure, now, that you ever received any county scrip for working on the roads?—A. I was going to explain to you a minute ago. If you will allow me I will tell you how it was.

Q. You can tell.—A. Before I was grown I had my father's team, working for him on the county road, and when he drew the scrip I went with him, and he cashed it, and he had to lose 25 cents on the dollar, as near as I can tell.

Q. Who did he draw it from?—A. I cannot say.

Q. Do you know whether it was scrip from the county or the obligation of the city; which was it?—A. It was county scrip.

Q. You are sure about that?—A. Yes, sir.

Q. When was that?—A. I don't know exactly what year it has been, but I think, as near as I can come at it, it has been about ten years ago.

Q. You say you had two brothers killed?—A. Yes, sir.

Q. When were they killed?—A. They were killed on the 30th of December, I think.

Q. By whom?—A. By Dan Nelson.

Q. Where?—A. At Brenham, Tex.

Q. Were they killed in the daytime?—A. Yes, sir.

Q. What was the quarrel between Nelson and your brothers about; how did it commence?—A. They had not had any quarrel at all there.

Q. They did not have any quarrel?—A. No, sir; they didn't speak.

Q. Nelson belonged to one band and they to another, did they not?—A. Yes, sir.

Q. And you belonged to the same band with them?—A. Yes, sir; with my brothers.

Q. You say that there was no quarrel between them whatever, and never had been?—A. No, sir.

Q. Were your brothers armed?—A. No, sir; they were not armed.

Q. Had they not had some trouble with Nelson, in which they had followed him with a gun?—A. No, sir; they hadn't followed him with any gun.

Q. You never heard of that?—A. They had a quarrel three years ago, and they had never spoken to him from that time until the evening that he killed them—shot them.

Q. Then there had been some bad blood between them?—A. It had been three years ago that that was.

Q. And in the mean time they had not spoken to each other?—A. No, sir; they had not spoken.

Q. They were not in the habit of speaking to each other when they met?—A. No, sir.

Q. But were all living in the same town?—A. Yes, sir; they were living in the same town.

Q. Wasn't this the fact as proved: that the night before, when this band, of which Nelson was a member, was in the colored church in the country, one of your brothers fired through the window at him?—A. No, sir; it never was proved.

Q. Didn't you hear that statement made at the inquest?—A. I heard that statement made at the inquest, and they were arrested for that charge.

Q. But you say it was never tried?—A. A white gentleman thought he had done it, but found out it was not true.

Q. But you heard that charge was made against him?—A. Yes, sir; I heard the charge made.

Q. That they had gone out there and fired through the window?—A. Yes, sir.

Q. So that there was a quarrel outside of politics between Nelson and your brothers?—A. There was not; three years ago there was.

Q. Was there a shot fired in the window?—A. I don't know anything about it; I was there in Brenham.

Q. But Nelson claimed they had fired through the window, did he not?—A. Yes, sir.

Q. And had them arrested for firing through the window?—A. Yes, sir.

Q. Nothing was said about politics in that connection at all, was there?—A. I didn't talk to Nelson, neither did my brothers; we didn't know what he had told about it.

Q. What became of Nelson after he killed them?—A. He was put in jail.

Q. Is he he out now?—A. Yes, sir.

Q. On bail?—A. Yes, sir.

Q. Do you know what amount of bail Nelson gave?—A. A thousand dollars, I think it was.

By Mr. EUSTIS:

Q. Who bailed him out?—A. Republicans.

By Mr. TELLER:

Q. The district judge allowed him to bail, did he?—A. Yes, sir.

Q. Did you sell your place?—A. No, sir.

Q. You are still living there?—A. Yes, sir.

Q. You have not been molested?—A. I have been away from there nearly ever since he told me about this.

Q. Did you leave right off?—A. I tried to sell my place, but didn't sell it for some time. I tried to sell it and was working to sell it when I was summoned to come up here and I expect I would have closed a trade if I had staid there.

Q. Where were you going to move; out of the county?—A. No, sir; down in the town.

Q. It was a colored neighborhood where you lived?—A. Yes, sir.

Q. And you were going to move down town among the white folks?—A. Yes, sir.

Q. You were present when this testimony about the killing of your brothers was given in before Judge Kirk?

The WITNESS. Was I present?

Mr. TELLER. Yes; you heard the testimony?

A. Yes, sir; I was there.

Q. You were there the whole time?—A. Yes, sir.

Q. Whatever was said you heard?—A. Yes, sir; whatever was said I heard, I think.

By Mr. EUSTIS:

Q. Who do you say released Nelson on bail of a thousand dollars?—A. The Republicans.

Q. What is the name of the person who released him?—A. Judge McFarland is the judge.

Q. Do you know anything about a colonization business that S. A. Hackworth has been engaged in?—A. Yes, sir; I have heard a good deal of it.

Q. What do you know about it?—A. It is at a place down below there—I think about 72 miles south, or about that distance below where we live at.

Q. He is trying to get colored people to leave Washington County?—A. Yes, sir; he has been working at that a good while to get them off down there.

Q. Was it to his interest to have the colored people dissatisfied there so that they would move away from Washington County?

Mr. TELLER. I object to that question. This man evidently does not know what testimony is, and I do not think you should put such questions. You ought to ask him what he knows. He evidently does not know the difference between proof and hearsay.

Q. Did you ever hear any colored people say that Mr. Hackworth was interested in having them dissatisfied so that they would leave that county?—A. So that they would go down to his colony? Yes, sir; I have heard that.

By Mr. TELLER:

Q. Where is this colony; in Texas?—A. Yes, sir.

Q. Do you know anything about where it is?—A. No, sir; not exactly; I don't know anything more than what I have heard; I never was in his colony at all.

Q. What kind of a colony has he got?—A. I don't know, sir; I was never there.

Q. You don't know anything about it?—A. No, sir.

Q. You do not know whether it is a good place for colored people to go or not?—A. No, sir.

TESTIMONY OF ALGIE HUNT.

ALGIE HUNT (colored), having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. Algie Hunt.

Q. Are you a white or a colored man?—A. I am a colored man.

Q. Where do you live?—A. I live in Washington County, Texas.

Q. How long have you lived there?—A. About forty-two years.

Q. Where do you live; at Brenham?—A. I live within two miles of Brenham.

Q. What is your business?—A. Farming.

Q. What are your politics?—A. Republican.

Q. Did you vote for Blaine and Logan?—A. Yes, sir; I did.

Q. What local ticket did you vote for at the last election?—A. I voted the ticket that was made up by the people.

Q. What was called the People's ticket?—A. Yes, sir.

Q. How came you, a Republican, to vote for the People's ticket against the regular Republican ticket?—A. Well, the last Republican ticket we had proved so bad that the colored and the white people together made up a ticket out of the honest men, and when that ticket was made it was elected, I believe, all except one or two candidates;

and then the administration of those men proved to be a success to the county and got the county in better condition, and taken care better of the people's property, and one thing and another; and this time—this last election—they sent out a petition—the citizens did—got up a petition inviting the same candidates to make the run over again, and I signed it, and afterwards I supported the whole of the People's ticket.

Q. You are a farmer; do you own a farm?—A. No, sir; I work on Col. Tom Swangeon's place.

Q. Is there much bitterness of feeling between the colored people, those who vote the People's ticket and those who vote the straight Republican ticket?—A. Yes, sir; there is a right smart of bitterness.

Q. What is the cause of it?—A. I think it is all caused by those white Republicans there amongst us who stir up strife and try to run themselves into office, and all such things as that. We have got some good, honest Republicans there, but those are the office-seekers.

Q. Who do you mean by some of those white Republican leaders who stir up this strife?—A. I mean such men as Hackworth and Schutze.

Q. S. A. Hackworth?—A. Yes, sir.

Q. Who else?—A. Mr. Schutze.

Q. Does this bitterness extend to your societies and churches?—A. Yes, sir.

Q. Do you colored people who vote the People's ticket receive threats of expulsion from those societies and churches?—A. Yes, sir; and it is an every-day cry there amongst us. Some of the Republicans, colored men, are cussing us, and I can hear something of that kind every time I come to town.

Q. They abuse you?—A. Yes, sir; abusing us; and they even sow the seed of discord amongst the women, and they commence talking.

Q. Isn't it a sort of tyranny that they try to exercise to compel these colored people to vote the local Republican ticket?—A. Yes, sir.

Q. You know what ostracizing means, don't you?—A. I think I do.

Q. Is there not a general system of ostracism there?—A. Yes; that is just what it is.

Q. And these colored people render your life almost unbearable, simply because you vote with the Democratic party for the People's ticket?—A. Yes, sir.

By Mr. TELLER:

Q. Have they ever expelled any of your people from those societies for voting the People's ticket?—A. Well, sir, not of my own knowledge; not anything more than I have heard.

Q. You belong to some of those societies, do you not?—A. No, sir; I don't belong to any society.

Q. Do you belong to any church?—A. No, sir.

Q. But you have heard that they threatened to expel some of them?—A. Yes, sir.

Q. Do you know of any cases—if you do, mention them—where they have expelled people from any of the churches for voting the People's ticket? Colored people I am talking about.—A. This man Bryan, I think, is about the nearest I can tell.

Q. They did not expel him, did they?—A. No, sir; but they followed him to the conference at San Antonio.

Q. What denomination does he belong to?—A. The Methodist.

Q. Colored Methodist?—A. Yes, sir.

Q. What did they do with him, as you understand?—A. They cut him down there so in his church until they went to the conference, and I think they sent a man named Cain along.

Q. He staid until he went to the conference?—A. Yes, sir; shortly after the election.

Q. And when he went to the conference they sent another man in his place; that is all?—A. That is all I know of.

Q. Is that the only case you know of?—A. That is the only case I know of in particular.

Q. Then it amounts simply to this, that the conference concluded to send some other man in his place?—A. Yes, sir.

Q. And they sent him to some other place to preach?—A. Yes, sir.

Q. So that he is still preaching?—A. Yes, sir; I think he is.

Q. To a Methodist congregation?—A. Yes, sir.

Q. Whose land do you say you are renting?—A. Colonel Swangeon's.

Q. Is he a Democrat?—A. I don't know his politics; I think he is a Democrat.

Q. He votes the People's ticket?—A. I suppose he does.

Q. Don't you know he does?—A. No, sir; I don't know he does, but I think he does.

Q. You do not know what his politics are?—A. No, sir; not particularly.

Q. You are the man that this last witness, Hopkins, said was going to be killed?—A. Yes, sir; I am the man.

Q. Were there any threats made against you, in regard to killing you; I mean at this last election, not anything else.—A. I was present when Hopkins had a part of that conversation with Hughes McAdoo.

Q. You heard that, did you?—A. Some of it.

Q. That referred to the same thing that he told about; anything aside from that?—A. They told me that a fellow named Bob Sloan had gotten a notice there, and I was notified in that notice, but I never saw the notice myself.

Q. Did you ever go to see Bob Sloan?—A. Yes, sir; I talked to him about it.

Q. Had he gotten such a notice?—A. Yes, sir.

Q. Did he say you were included in it?—A. Yes, sir.

Q. What was it; to get out of the country?—A. Willis Bagby told me; I never saw the notice itself; but it read that they had killed the Hopkins boys (but it didn't say boys; it said they had killed two of the "Democratic chickens," the way they wrote it), and I and Bob Sloan would be the next they would kill.

Q. He is still there, is he?—A. Yes, sir.

Q. He has not been killed?—A. No, sir; not yet.

Q. You have a son who was also mentioned by this young man?—A. Yes, sir.

Q. He got into some trouble, didn't he?—A. Yes, sir; he got into a little trouble.

Q. He is not a voter yet?—A. No, sir; he is not a voter.

Q. What trouble did he get into?—A. He didn't have any trouble about the election, I believe.

Q. I am not talking about the election; but he got into some controversy about something and killed a boy?—A. No, sir; he never killed one.

Q. He shot him?—A. Yes, sir; he shot a man there.

Q. Has he been indicted for that?—A. Yes, sir.

Q. Is the indictment still pending?—A. No, sir.

Q. Has it been tried?—A. Yes, sir.

Q. What became of the indictment?—A. He plead guilty.

Q. And went to jail?—A. No, sir.

Q. What was done; a fine imposed?—A. Yes, sir.

Q. How much was the fine?—A. The fine was \$25.

Q. Bob Sloan, he had some trouble too?—A. Yes, sir; I think Bob has had some trouble.

Q. What trouble has he had?—A. I think he shot somebody there.

Q. What is Sloan's business?—A. He is a constable there in our county.

Q. He shot somebody?—A. Yes, sir.

Q. He killed his man, didn't he?—A. I learned that he did; not to my knowledge.

Q. Do you know whether he has been indicted for murder?—A. I think he has been indicted, but I don't know anything about it.

Q. Have you not heard that he was indicted for murder?—A. I understood that he was indicted.

Q. Is not that indictment still pending?—A. I do not know.

Q. How long ago did this shooting of his take place?—A. I think a couple of years ago.

Q. Who did he kill, a white man or a colored man?—A. I think it was a colored man.

Q. He is a colored man himself?—A. Yes, sir.

Q. What is he doing now; his business?—A. He is working at the freight depot, at the Santa Fé depot, or was when I left home.

By Mr. EUSTIS:

Q. Do you know anything about the Graball delegation bolting the Republican nomination when they put Mr. Schutze on the ticket?

The WITNESS. Do you mean the regular Republican convention at Brenham?

Mr. EUSTIS. Yes.

A. No, sir; I didn't go into that convention.

TESTIMONY OF JOHN LEVIN.

JOHN LEVIN, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. John Levin.

Q. How old are you?—A. I am fifty years old.

Q. Where do you live?—A. I live at Brenham, Washington County, Texas.

Q. How long have you lived there?—A. About twelve years; since 1875.

Q. What is your business?—A. I am engaged in the newspaper business; I am part publisher and editor of the Brenham Banner.

Q. What are the politics of that paper?—A. Democratic.

Q. Do you know Mr. S. A. Hackworth, one of these memorialists?—A. Yes, sir.

Q. Do you know Mr. Schutze?—A. I do.

Q. Do you know Mr. Moore?—A. I do.

Q. What is the general standing and reputation of Mr. Hackworth in that community?—A. It is not good.

Q. What is the standing and general reputation of Mr. Schutze in that neighborhood?—A. It is not good, not good at all.

Q. Do you mean by that, it is bad?—A. Yes, sir.

Q. In both cases?—A. Yes, sir.

By Mr. TELLER :

Q. Both of them are bad ?—A. Yes, sir.

By Mr. EUSTIS :

Q. What is the standing and general reputation of Mr. Moore ?—A. Mr. Moore has stood reasonably fair in the community up to the last election.

Q. Do you know what is the reason that the general reputation of Mr. Hackworth is not good there ; why is it bad ?—A. Principally on account of politics, that is, his actions politically, and his failure to pay his debts, and a generally meddlesome disposition.

Q. He has held office there in that county ?—A. Since I have been there he has held the office of justice of the peace.

Q. How do you account for the bad reputation and standing of Mr. Schutze in that community ?—A. His general conduct has been such as to bring him into disrepute.

Q. Do you know whether the mere fact of a man being a Republican in that community has anything to do with his business or social standing at all ?—A. None whatever.

Q. Do you know that it is a reason for his leaving that community ; do you know that the mere fact of a man being a Republican is a reason for his leaving that community ?—A. I do not.

By Mr. TELLER :

Q. Mr. Hackworth's character is bad because of his political conduct, is it ?—A. Not his political conduct, but his action politically.

Q. What particular action politically do you refer to ?—A. Well he has been consorting with negroes and giving them bad advice and making himself obnoxious generally to the good people of the county.

Q. Consorting you mean politically with negroes ?—A. Yes, sir ; politically.

Q. Attending political meetings with them ?—A. Yes, sir ; attending political meetings with them.

Q. And making speeches to them ?—A. Making speeches to them and holding conferences with them in his office.

Q. And giving them bad advice. Do you know what particular advice he has given them ?—A. I could not state any particular instance.

Q. How do you know then it is bad advice ?—A. By general report.

Q. The general report is that he advised them to vote the straight Republican ticket, is that it ?—A. I don't know whether he advised them to do that, but I presume that was his advice, as he was engineering the straight Republican ticket.

Q. Do you know of his giving them any other advice except politically ?—A. No.

Q. So that when it is bad advice it is bad political advice, is it ?—A. It was in this particular case.

Q. Political advice. But just what his advice was you do not pretend to know ?—A. No, sir ; I do not.

Q. But you have understood it was bad advice ?—A. That was the general understanding of the community—that was the current rumor.

Q. Mr. Moore had been reputable until lately ?—A. Well, passably so ; his reputation was not bad.

Q. What has he done recently that has forfeited the esteem of that community ?—A. The part that he took in the canvass last fall.

Q. What did he do ?—A. I can tell you only what I know in a general way, not personally.

Q. That is what I expect you to tell me, in a general way.—A. He went around through the country and made what I would term incendiary speeches.

Q. Exactly.—A. He told the negroes that the Democratic party was responsible for the Charleston earthquake; that if the Democrats were kept in power cotton would only be worth 4 cents a pound, and other things of similar import.

Q. Do you know that he told them that the Democratic party was responsible for the Charleston earthquake?—A. As I stated before, I know only from general report.

Q. Did the negroes in that community have much interest in the Charleston earthquake?—A. None at all.

Q. They have evinced no interest in that?—A. No, sir.

Q. Did they seem to be much exercised over the Charleston earthquake?—A. I cannot say whether they were or not.

Q. At what point did you understand that he told them that the Democratic party was responsible for the Charleston earthquake?—A. Somewhere in the county.

Q. You do not know at what place?—A. No, sir; I do not know; I was not out of the city at all during the canvass.

Q. And he told them cotton would be worth what?—A. Only 4 cents a pound if the Democrats were elected to office.

Q. What policy of theirs was he attacking then?—A. He did not attack any policy, he was appealing to their ignorance.

Q. What complaint was he making of the Democrats; what particular charge did he make against them; what were they doing that was to bring down the price of cotton?—A. That is too hard a question for me to answer.

Q. You do not know just what he said?—A. I do not know what he said, any more than it was currently reported.

Q. Do you think that any considerable part of those negroes believed that the Democratic party was responsible for the Charleston earthquake?—A. I have every reason to think that they did.

Q. Any large number of them?—A. I could not name any very special proportion of them.

Q. You run a Democratic newspaper?—A. I do.

Q. Did you refer to any of those speeches in your newspaper?—A. I am not positive whether I did or not; I think not, however; I may have made local mention of it.

Q. That is the front of his offending, is it, that he made those charges; is there anything else that he did that you know of?

The WITNESS. Do you mean Mr. Moore?

Mr. TELLER. Yes.

A. Well, he didn't pay his debts.

Q. He did not pay his debts?—A. No, sir.

Q. Does he owe anything in the community now?—A. I think he owes quite a large sum of money.

Q. Are there any other people in that community who do not pay their debts besides Mr. Moore?—A. Of course there are some who are unable to pay; it is so in all communities.

Q. You think Mr. Moore is able to pay?—A. I do not think he is.

Q. You do not think he is?—A. No, sir.

Q. Then when a man is not able to pay, and does not pay, it is not a crime in Texas not to pay a debt if he cannot pay it?—A. It depends very much upon circumstances. Some men meet with misfortune and are unable to pay their debts; other men contract debts with the purpose of "beating" those who credit them.

Q. Is Mr. Moore charged with anything of that kind?—A. I cannot say that he is.

Q. If he is, it has been charged against him since the election?—A. Well, his credit was not good before the election.

Q. His credit was not good, but you say he stood fair before the election?—A. Yes, sir.

Q. You did not approve of this investigation when you understood it was being made, did you?

The WITNESS. Which investigation?

Mr. TELLER. This present investigation here.—A. I did not.

Mr. EUSTIS. Neither did I.

Q. Here is a little editorial which you put in your paper; I will read it:

It is evident that the whole affair is being conducted for use in the coming campaign [referring to this matter], and the fact that the committee will sit in Washington City instead of where the alleged outrages occurred will give the Republicans every advantage, as they will only summons such witnesses as will best subserve their purposes and will also allow scalawags Hackworth and Schutze mileage and per diem. The Republicans are put to desperate straits for campaign material.

You made that statement, did you not, in your paper?—A. I think so.

Q. Now do you think that is exactly true?—A. It seemed true from the premises.

Q. Did you not know that the other side would have witnesses summoned just as well?—A. I did not at the time that was written.

Q. So you have made a mistatement as well as Mr. Moore?—A. I do not see it in that light.

Q. You said that "The Republicans have every advantage, as they will only summons such witnesses as will best subserve their purposes, and will also allow scalawags Hackworth and Schutze mileage and per diem." Now don't you know, as a fact, that as many on the other side have been subpœnaed as there was on the Republican side?—A. It seems so now, but it was not apparent at that writing.

Q. Under the head of "The Texas Outrages" you said this:

The Senate being Republican, and the alleged outrages of a political character, the majority of the committee are Republicans, and, if true to their faith, and they act on established precedents in similar cases, they will find that an outrage has been committed. That is a foregone conclusion without hearing any testimony.

You made that statement?—A. I think probably I made that statement.

Q. Do you know of any case where the Republicans have ever had an investigation and made a report without taking testimony, or any other Senate committee?—A. I could not cite any particular instance.

Q. No. I only want, when you are holding Mr. Moore and others to a very close rule of telling the exact truth, to call your attention to the fact that your paper does not seem to have been very exact in its statements.

I want to call your attention to another article I find in your paper, which says:

The State of Texas is the largest in the Union, but large as it is it is not large enough to hold scalawag Schutze, the climate is too hot for that unprincipled thing in human shape; but notwithstanding this The Banner is of the opinion that Schutze and his baggage—if he has any—are checked through to the land where they don't have to shovel snow; it is only a question of time when he will reach his destination. The publication of the infamous memorial of the trio to Congress, and the exposure of Schutze made in the Galveston News' special from Brenham, had the effect of making the climate of the Island City nearly as hot for him as Washington County. In the issue of his paper of the 20th instant he bids a farewell to Texas. The following is the substance of his parting salute.

You published that?—A. Yes, sir.

Q. It got pretty warm for Schutze, did it?—A. Well, it did get slightly torrid.

Q. It was a good thing for Schutze to get out, was it?—A. I cannot say whether it was a good thing or not. There is no inference there that Schutze was in any danger. He had simply become so odious that he could not live there any longer.

Q. You do not think he was in any danger?—A. No, sir.

By Mr. EUSTIS:

Q. You spoke of Mr. Hackworth's general reputation. Is not one of the causes of his bad repute in that community the fact that as a white Republican leader he tried to unite the black vote against the white vote in that county?—A. That has considerable influence in that way, or had.

Q. That is the general belief in that community, is it not?—A. Yes, sir.

Q. That he tried to draw the color line in politics, and for his own individual benefit and advancement?—A. That has been the general belief.

Mr. JODON. Did you publish a local in the Banner which stated that the killing of the Hopkins boys had nothing to do with politics?

The WITNESS. I think I did.

TESTIMONY OF JAMES L. MOORE.

JAMES L. MOORE, having been duly sworn, was interrogated as follows:

By Mr. SPOONER:

Question. You are one of the petitioners, are you?—Answer. I am.

Q. What is your age?—A. I am in my forty-sixth year.

Q. Where do you reside?—A. I reside at Los Angeles, Cal.

Q. How long have you resided there?—A. Two months or a little over.

Q. Where did you reside prior to that time?—A. At Brenham, Washington County, Texas.

Q. How long had you resided there?—A. About nineteen years, I think.

Q. Where did you go from to Brenham?—A. From Alabama.

Q. Were you in the Army during the war?—A. I was.

Q. In the Confederate service?—A. I was.

Q. What is your occupation?

The WITNESS. Do you mean at the present time?

Mr. SPOONER. I mean generally.

A. Well, sir, I was raised up as a merchant and followed that business for a good many years.

Q. What was your occupation at Brenham?—A. I was in office there for about six or eight years; previous to that time I had been engaged in the warehouse commission business.

Q. Are you a man of family?—A. I am.

Q. How large a family have you?—A. I have a wife and five children

Q. Are they with you?—A. Yes, sir; in Los Angeles, Cal.

Q. They lived in Texas with you until you left there?—A. Yes, sir; they were all born and raised in Brenham.

Q. Are you one of these three parties who signed the memorial to the United States Senate?—A. Yes, sir.

Q. You know what that memorial contains?—A. Yes, sir; I do.

Q. What are your politics?—A. I am a Republican.

Q. How long have you acted with the Republican party?—A. I have always been a Republican; never anything else.

Q. What was the political complexion (I mean the majority) in Washington County during your residence there?—A. Without any improper influence, intimidation, or bulldozing, or fraud of any kind, I think that if every Republican in Washington county should vote his honest sentiments there would be a Republican majority there of from fifteen hundred to two thousand.

Q. What is the total voting population there?—A. About fifty-six hundred.

Q. How much white and how much colored?—A. I cannot be accurate about the figures.

Q. I mean in a general way.—A. My opinion is that there are about twenty-five or twenty-six hundred colored votes and about three thousand to thirty-one hundred white votes.

Q. How large is the German vote there?—A. The colored vote is the largest, the German vote next, and the American vote is small.

Q. Then the colored vote is five or six hundred less than the total white vote?—A. Yes, sir.

Q. What proportion of that vote generally has been Republican?—A. I think if they were permitted to vote their honest sentiments they would all vote the Republican ticket.

Q. How many years within your recollection was the administration of county affairs Republican?—A. Until within the last two years it has been Republican generally; occasionally a Democrat would be elected.

Q. But up to 1884 the general administration of county affairs was Republican?—A. Yes, sir; with an exception occasionally.

Q. But I say generally.—A. Yes, sir.

Q. Did you or not take an active part in behalf of the Republican ticket during the campaign of 1886 in that county?—A. I did, yes, sir.

Q. You held meetings?—A. Yes, sir; I held meetings and made speeches, and did what I could for the Republican ticket.

Q. Addressing colored people and white people?—A. Yes, sir.

Q. Where were you on election day?—A. On election day I was at the fourth ward polling place in the city of Brenham.

Q. Who were the leading active Republicans of that county during the time you were there? When I say leaders I mean who took part in the party organization, made speeches, and attended meetings?—A. Mr. Hackworth has been active; also Mr. Schutze, Mr. Hoffmann, Mr. Fricke, and Mr. Potter.

Q. And yourself?—A. Yes, sir; and others.

Q. There are always, in every county, a few men who do the hard work in the matter of organization?—A. Yes, sir; there have to be leaders among them.

Q. In both parties?—A. Yes, sir.

Q. Now, I want you to give me the names of the men who were, in that sense, the leaders of the political organization in that county.

The WITNESS. As it existed in the last election?

Mr. SPOONER. Yes; as it existed in the last election.

A. I suppose that Mr. Schutze, Mr. Hackworth, and myself did as much work, or perhaps more work, than any other three men there. Mr. Hoffmann, Mr. Fricke, Mr. Riggs Hackworth, and others were active in the campaign, also.

Q. How long had you been in the habit of making Republican political speeches in Republican campaigns?—A. For the last ten years, I suppose.

Q. Did the speeches you made during the last campaign differ in any respect from those which you had been previously making for the Republican ticket?—A. Very little, except as to the issues in national politics.

Q. I mean in regard to social equality or any attempt to excite and stimulate the negroes, as a race, against the whites?—A. No, sir; we never did that in any campaign. We never attempted to excite the negroes against the whites, or made any social-equality speeches in any campaign.

Q. Do you know of any attempt on the part of any of the Republican leaders to intimidate the negroes from voting the People's ticket or the Democratic ticket?—A. No, sir; we had advised them not to vote it, but there has never been any intimidation practiced by the Republicans in that county; that has always been on the part of the Democrats; they wanted to monopolize that branch of the business, I believe.

Q. There has been some talk here about a secret Republican colored organization in that county, whose members were sworn to vote the Republican ticket, and who were in the habit of ostracizing negroes who might vote the People's or Democratic ticket; do you know anything of the kind?—A. I have no personal knowledge of it, and I do not believe anything of the kind existed.

Q. Neither by personal knowledge nor by report do you know of any such organization?—A. No, sir.

Q. Where did you generally hold your meetings—I mean you leaders in Brenham—when you were making your plans and arrangements for a campaign at that time; at Mr. Hackworth's office?—A. Part of the time at Mr. Hackworth's office and part of the time at Mr. Schutze's office.

Q. Were you frequently at those meetings?—A. Yes, sir.

Q. Do you know of any instance where a guard was kept at the door and a countersign given or demanded of men who presented themselves that they would vote the Republican ticket?—A. I never heard of it until to day.

Q. You would have heard of it if it had been true?—A. I presume I would; I expect I would have been consulted about it.

Q. Then you assert under oath that that statement is false?—A. So far as my knowledge extends it is positively false.

Q. What was regarded as the strongest Republican precinct—I mean the largest precinct in your county?—A. The Washington precinct.

Q. What was the usual Republican majority given by that precinct?—A. As I stated, I have been away from there—

Q. I do not mean with absolute accuracy?—A. I suppose eight or nine hundred would have been a fair Republican majority.

Q. That is distinctively the colored precinct of the county?—A. Yes, sir; that is the largest colored precinct in the county; few white people live there.

Q. Comparatively few white people live there?—A. Yes, sir; comparatively few.

Q. Do you remember any reports being received in Brenham on the afternoon of election day from that precinct indicating that it had gone largely against what is known as the People's ticket?—A. Such reports were in circulation.

Q. Do you know from whom they came and to whom they came?—A. Well, sir, I suppose, perhaps, they came to the Democratic leaders and to the Republican leaders also. It is generally customary for both parties to have reporters at those places.

Q. There was telephone communication between Brenham and that precinct?—A. Not directly, there was telegraphic communication to parts near there.

Q. Was there any telephonic communication to some point in Washington precinct?—A. I do not remember.

Q. How far was Chapel Hill from any point in the Washington precinct?—A. Chapel Hill and the Washington precinct adjoin each other, the precincts do.

Q. How far is Chapel Hill from the nearest polling place in that precinct?—A. I suppose it is 10 or 11 miles from the town of Chapel Hill.

Q. Who was the leader in the campaign at that election on behalf of the Democratic or People's ticket?—A. Mr. Giddings has been considered the leader of the Democratic party there in all their transactions and in all that had occurred. The active speakers in the field were Mr. Kirk and Mr. Rodgers, and occasionally some other Democrat was at the meetings.

Q. By Mr. Kirk you mean Judge Lafayette Kirk, the county judge?—A. That is the man I mean.

Q. Did you happen to see him on election day?—A. I did.

Q. Where did you see him?—A. He was at the same polling place where I was, at the fourth ward in Brenham.

Q. At what time of the day?—A. I think he was there all day, until late in the afternoon, when he left.

Q. Have you any reason to remember seeing him there that day?—A. Yes, sir; I have.

Q. What is it?—A. Well, sir, he attempted and insisted on raising a difficulty with me, and used a great deal of profanity, and cursed and abused me unreasonably and unnecessarily I thought.

Q. Had you had any personal quarrel before that day?—A. No, sir. My information was that he was going there on that day, he and his friends, for the purpose of raising a row.

Q. Going where?—A. To that polling place.

Q. In Brenham?—A. Yes, sir; I heard that on the morning of the election.

Q. Is that a large polling place?—A. Yes, sir; one of the largest in the county. I understood in the morning of the day of the election that his business there would be to raise a row with the Republicans; that he had gone there for that purpose with his friends and would stay there all day. I staid there all day, as I had been assigned by our committee to that precinct, and remained there all day to look after the interests of the Republican party. I suppose it was in the afternoon; at any rate it was after twelve o'clock; I don't remember what time it was exactly, but I had been up the street and came back there and was walking along the railroad and was surprised by Judge Kirk commencing to abuse me. I saw in a moment that his object was to carry out the plan which I understood he had been sent there to carry out, which was to provoke a difficulty with me and create a row there. We had consulted over the matter, myself and other leading Republicans, and we had determined to use our best efforts to prevent any difficulty, and had counseled the Republicans to be cool and calm, and not to be drawn into a difficulty of any kind. I was there entirely unarmed and knew Judge Kirk was armed, and had reason to believe his friends were

armed ; and the rumor that they were going there, together with seeing them there, satisfied me that they had come there to carry out what I understood to be their program, that is, to raise a row with myself and other Republicans for the purpose of making a general disturbance. Judge Kirk cursed and abused me to a very great extent, to a greater extent than I should have taken, or more than I would have taken under other circumstances.

Q. What was it, political ?—A. Yes, sir ; political. He cursed me and used a great deal of profanity and said that if I would go up the railroad with him he would settle it with me.

Q. Was there any quarrel between you except what grew out of that election, politically ?—A. No, sir.

Q. What had you done that excited his animosity ?—A. I had made some speeches over the county.

Q. Was he calling you to account for the speeches you had made ?—A. Well, I had charged the Democratic county officers with organizing themselves into a “ring” in the court-house for the purpose of acquitting all Democrats who might be tried there for criminal offenses and for the purpose of convicting all Republicans. He being a sort of boss of the “ring,” or head of the offices of the county, seemed to take a good deal of it to himself. I made those charges against him and the other officers of the county in the several speeches I had made.

Q. Then it grew out of the speeches you had made and the charges you had made against him during the campaign ?—A. Against him and the other officers ; I suppose he was disposed to champion their cause on that occasion.

Q. Do you know of his leaving town that day ?—A. He disappeared from that polling place in the afternoon about 5 or 6 o'clock ; I do not remember exactly at what time, but some time late in the afternoon.

Q. Do you know where he went ?—A. Not of my own knowledge. I heard it reported there at the time that he was going off to Washington or Chapel Hill, or in that direction.

Q. Was there any rumor current as to his purpose ?—A. It was rumored around there that he was going for the purpose of destroying or capturing some of the ballot-boxes in the lower precincts.

Q. In the colored precincts ?—A. Yes, sir.

Q. You heard of the ballot-boxes being raided ?—A. I did ; the day after the election I heard of it.

Q. What did you hear about the outrages committed on the ballot-boxes at the election ?—A. I heard that some ballot-boxes had been captured.

Q. Which ones—the one from Lotts' post-office ?—A. The first one I heard of being destroyed was at Flewellen, I think ; and I heard that the people had been prevented by some cause from opening the box at the Chapel Hill precinct, and that the Graball box had been destroyed, and the Lotts' box also.

Q. What proportion of the vote—of the total vote at Chapel Hill polling place—was colored and what proportion white ?

The WITNESS. In the whole precinct ?

Mr. SPOONER. At the Chapel Hill polling place, where you say the polls were not open.

A. There were very few white people who voted there ; I suppose 7, 8, or 9.

Q. And very few white people voted at Chadwick's Gin ?—A. Yes, sir ; very few.

Q. The vote usually cast at that polling place was almost exclusively colored?—A. Yes, sir.

Q. Was it or not almost exclusively Republican?—A. Yes, sir; it was.

Q. That polling place, as I understand it, had been changed within a year?—A. Yes, sir; since the previous general election there had been some changes made.

Q. Had that worked much change in the territory of the polling place?—A. I do not know that there had been any election held since there had been a box established at that particular place. I do not know that there had been any vote cast there; I do not remember now whether there had been any election held there.

Q. How much change had been made or was made in the boundaries of that polling place within the last year or so prior to this election?—

A. I say it was a new polling place that was made since the last general election.

Q. Where had the people voted previously who were to vote there?—A. Within the last two or three years there were only two or three voting places in the Chapel Hill justice's precinct, and both of those were in or near the town of Chapel Hill.

Q. If you did not know the boundaries of this Chadwick Gin voting place, and there had been no election since it was created, you could not say what the vote was there?—A. I could not say except from my general knowledge of the people who lived there.

Q. That it was Republican, largely?—A. Largely Republican.

Q. Do you conceive it possible that at any polling place where there was a certain Democratic majority, the Democrats could not have found men enough to administer the duties of officers at an election?—A. I do not think they would have had any difficulty in finding them.

Q. Had there been any outrages in that county prior to this election; if so, when, where, and what were they?—A. At the previous general election there were outrages committed at Chapel Hill.

Q. Do you know of any effort ever having been made by the authorities of the county to discover and arrest the perpetrators of what is known as the Chapel Hill outrage?

The WITNESS. The one that occurred two years ago?

Mr. SPOONER. Yes.

A. I was sheriff at that time myself, and I took a posse of men myself and went there, but could not make any discoveries as to the guilty parties, of course.

Q. Do you know of any efforts having been made by the county officers to discover and arrest the perpetrators of that outrage?—A. By the new county officers? None at all.

Q. How long after the election in 1884, did you go out of office?—A. I suppose within twenty or forty days.

Q. By whom were you succeeded?—A. By N. E. Dever.

Q. A Democrat?—A. Yes, sir.

Q. You made what investigation you could before the expiration of your term of office to discover the perpetrators of that outrage?—A. I did.

Q. Was any effort made, to your knowledge, by your successors, and if so, what were they?—A. I never heard of any being made.

Q. Do you know of any reward being offered either by the governor of the State or the local authorities for the apprehension of the perpetrators of that outrage?—A. No, sir; I have no recollection of any.

Q. Do you know, or have you heard, of any efforts being made in Washington County by the officers of that county to ascertain who perpetrated these outrages in 1886 upon the ballot-boxes?—A. I never heard of any; it occurred to me they were doing everything they could to suppress it.

Q. No rewards were offered?—A. No, sir; not at all; it seemed that they were working in with the perpetrators of the deed, and did all they could to prevent their being found out.

Q. Was any reward offered by the governor of the State?—A. No, sir; so far as I know, there was not.

Q. Do you know of three negroes being taken from the jail there and hanged?—A. I heard of their being hanged the next morning after they were hanged.

Q. Do you know who they were?—A. Yes, sir; Shad Felder and the two Joneses.

Q. Do you know why they were hanged?—A. From rumor.

Q. Give me the general opinion, if you can.—A. My opinion and the general opinion I heard expressed was that they were hanged in order to prevent their evidence from being brought out on habeas corpus proceedings that were being instituted; they were in jail at the time.

Q. Do you mean by that it was feared they would identify the perpetrators of the outrage there at Flewellen?—A. That was the impression. It was the common rumor that they were hung because they knew too much about the parties who committed the outrage; that was the common report there; that they were hung for the purpose of destroying their testimony.

Q. Have you anything more to say on that subject?—A. That is about the substance of it.

Q. Do you know of any attempt being made to discover the men who hanged those three colored men and to arrest and punish them?—A. On the contrary it seemed to be the disposition of the officers of the county to suppress any effort that might be made in that direction. They seemed to be conniving at what had been done, and rather attempting to protect and shield the guilty parties from being brought to justice.

Q. Was there any excitement at the time of the election in Brenham?—A. Yes, sir; just after the election, and it continued until the time when I left there.

Q. So far as you know, by whom, by what men, and for what purpose was that excitement brought about and stimulated?—A. For the purpose of breaking up the Republican party and getting rid of the Republican leaders. It was brought about by Democrats circulating false reports and having false publications made in their organ, the Brenham Banner.

Q. Reports of what, of the uprising of the part of the negroes?—A. Yes, sir; and threats of violence.

Q. There was an alleged apprehension of an uprising?—A. It was a pretended apprehension of an uprising, but, as I understood it, they were merely circulating those reports in order to create a pretext to get excited themselves and to aid them in breaking up the Republican party and driving off its leaders.

Q. What was the general sentiment there as to the ticket which had been elected in that county by the votes cast?—A. The general impression was that the Republican ticket had been elected.

Q. Was the talk at that time of contesting the election?—A. Yes, sir.

Q. Was it advised by you, Mr. Potter, Mr. Hackworth, and other leading Republicans?—A. Yes, sir; we believed, and in fact knew, that on a fair count the entire Republican ticket was elected by a large majority, and we felt that, it being at least a pretended free country, the votes cast for the Republican ticket should be fairly counted, and in that case we felt sure the Republican ticket was elected.

Q. Had you been a candidate on that ticket yourself?—A. No, sir; I was not a candidate at the last election.

Q. Was there any foundation, so far as you know, for the rumors as to an alleged negro uprising?—A. I think they were manufactured by the Democrats for the purpose of creating a pretext for them to commit outrages on the Republican leaders of Washington County.

Q. I say was there, to your knowledge, any foundation for those rumors?—A. Not the slightest, except the foundation created by the rumors themselves, which were circulated in the county by the Democrats for the purpose stated by me.

Q. Do you know of any real movement on the part of the negroes to uprising against the whites?—A. They had no disposition to do it, or cause to do it, or inclination to do it.

Q. Do you know of their having been counseled by prominent Republicans to do it?—A. On the contrary, the Republicans had counseled them when they made contracts with the farmers, the land-owners, to stand up to their contracts and to carry them out in good faith, but that when they made a contract to sell the land owner their labor or their produce to be careful not to sell them their vote; not to sell to the Democrats there the colored men's Republican vote; not to try to intimidate Democrats and require them to vote the Republican ticket, and, on the other hand, not to be induced, bought, or persuaded by Democrats to vote the Democratic ticket. That is about the kind of argument we used to them.

Q. Do you know of any threats being made there against the leading Republicans about election time or after the election?—A. Yes, sir.

Q. By whom were they made and against whom were they made?—A. They were made by the leading Democrats against leading Republicans.

Q. Name the Republicans.—A. Myself, among others.

Q. Who else?—A. Mr. Hackworth, Mr. Schutze, Mr. Potter, Mr. Gilder, Mr. Lockitt, and others.

Q. What was the nature of those threats?—A. The threats were that unless certain of us left that county in a very short time that we would be murdered, hanged, or shot; the threats were that unless myself, Mr. Hackworth, Mr. Schutze, Mr. Potter, and others left the county that we would be shot, hanged, murdered, or otherwise disposed of, as the Democracy, the Kuklux portion of the Democracy, might decide to dispose of us.

Q. Did you receive any notice to leave?—A. No written notice; mine was verbal.

Q. From whom did you receive such notice?—A. From several Democrats.

Q. Who were they?—A. I received some of those communications in a confidential way, and would not like to disclose them unless I am compelled to do so. The principal part of my information came through Mr. B. F. Robertson.

Q. A Republican?—A. No, sir; he is a Democrat.

Q. But there were other Democrats who communicated to you the fact that it would be better for you to leave?—A. They told me that my life was not safe and that they advised me to leave; that they were

Democrats and I was a Republican, but they did not know that I had done anything wrong except to advocate the Republican cause; that the Democracy was worked up to a great state of excitement and they knew my life was not safe and I would be murdered if I staid there.

Q. They communicated that advice to you in friendship and under promise of secrecy on your part?—A. Yes, sir; except in the case of Mr. Robertson; there was no secrecy in what he told me. He represented himself as being the authorized representative of what he and I called a "mob" in Washington County. There was no secrecy in his communication with me.

Q. Who was Mr. Robertson?—A. He was one of the nearest neighbors I had there.

Q. A prominent Democrat?—A. A prominent Democrat, although he does not take an active part in politics.

Q. Were you a property-owner there?—A. Yes, sir; I owned some property there in Washington County.

Q. Did you voluntarily leave Brenham with your family?—A. No, sir; I did not.

Q. Why did you leave?—A. I left there believing that my life was not safe. That belief was created in my mind by the information that I had received from Democratic sources and from Republican sources too, but of course I attached the most importance to the information I had received from Democrats.

Q. You knew of the meeting which had been held at Eldridge Hall?—A. I heard of it; I was in town at the time.

Q. Was that meeting attended by any Republicans, to your knowledge?—A. I never heard or knew of a Republican being there.

Q. It was attended by Democrats from different parts of the county?—A. Yes, sir; that was my information.

Q. Were they armed?—A. Yes, sir. I heard there were parties of armed men in the town, and I saw several of them.

Q. Were you negotiating for the purchase of your property preparatory to leaving?—A. Yes, sir.

Q. Who did you sell your property to?—A. The deed was made to Mr. Felder, a prominent Democrat there.

Q. Who negotiated for the sale of the property?—A. Mr. Robertson did the most of it, and Mr. Breedlove representing my interest as an attorney.

Q. Had your property been for sale prior to this time?—A. I had said I would take a certain price for it.

Q. What did you estimate it to be worth?—A. I asked \$6,000 for it.

Q. What did you sell it for?—A. I owed three notes, and one of them was due on the first of last January, another was due the following year and the third was due in two years. The party who bought the property assumed the debt that was on the property of \$1,500 and paid me \$500 cash.

Q. What was the price of your property?—A. The price I asked for it was about \$6,000.

Q. And how much did you get for it, allowing credit on the notes?—A. I owed \$1,500 on the place, payable by notes, and the first note fell due in January—

Q. Then you got \$2,000 for it?—A. Yes, sir; the purchaser assumed the payment of these three notes for \$1,500 and gave me \$500 in cash.

Q. So that you sacrificed your property?—A. Yes, sir; it was a sacrifice; I did not get half what it was worth nor half what it cost me.

Q. What crime had you committed that you should not be permitted to live in that community?—A. The only crime that I heard myself charged with was being a prominent Republican, and having made Republican speeches and trying to induce Republicans to vote the Republican ticket against the so-called People's ticket or Democratic ticket.

Q. You had made no social-equality speeches?—A. I never made a social-equality speech in my life, and I never heard a Republican make one, that I remember.

Q. When did you leave Brenham?

The WITNESS. For California?

Mr. SPOONER. For good.

A. I left there about the 13th of last December, I think.

Q. You took your family with you?—A. Yes, sir.

Q. You left because you did not consider it safe to live there?—A. That was my reason for leaving.

Q. And the prejudice which had been created against you was, so far as you know, political only?—A. I can assign no other cause.

Q. And is chargeable to the fact that you had been an active leader in the Republican party of that county?—A. That is the only offense I knew that I was charged with.

By Mr. EUSTIS:

Q. Who wrote this memorial; do you know?—A. No, sir; I do not know.

Q. When did you first see it?—A. I saw it some time in December, I think; I am not certain whether it was in December or January; perhaps in January.

Q. In whose handwriting was it?—A. It was printed when I saw it.

Q. Did you ever sign it?—A. I signed the printed copy of it and sent it back for the use of the committee.

Q. You never saw the manuscript?—A. I never saw the manuscript.

Q. It says here, "By the written authority and request of Messrs. James L. Moore and Carl Schutze I have signed their names to the above and foregoing petition this the sixth day of January, 1887. S. A. Hackworth."—A. Mr Hackworth had my authority to sign my name to it.

Q. You did not sign the original petition?—A. I authorized Mr. Hackworth to sign that for me.

Q. Then you did not sign it yourself?—A. No, sir; I did not.

Q. When did you authorize Mr. Hackworth to sign it?—A. I do not remember; I think it was in December, though.

Q. Where were you then?—A. I was in Los Angeles, Cal.

Q. It was sent to you already prepared?—A. I have just stated that I only saw the printed copy that was sent to me.

Q. You had nothing whatever to do with getting it up?—A. I knew it was being gotten up, of course, and I knew I was a party to it.

By Mr. SPOONER:

Q. But you had nothing to do with getting it up yourself?—A. I wrote no part of it myself; I stated that.

By Mr. EUSTIS:

Q. Did you read it?—A. Yes, sir; I read it before signing it; I knew, of course, about what would be in it.

Q. But did you read it before you signed it?—A. Yes, sir; I read it before I signed it.

Q. Did you ever tell anybody about a year ago that you intended to

go to California as soon as you could sell your homestead?—A. I have told several persons I suppose within the last ten years——

Q. Answer my question; within the last year I mean?—A. I may have done it a year ago or six months ago.

Q. I ask you if you ever told anybody about a year ago that you intended to go to California as soon as you could sell your homestead?—A. I may have done so.

Q. Do you remember having done so.

The WITNESS. Do you mean some particular person?

Mr. SPOONER. If you are attempting to lay a foundation for impeachment you ought to call his attention to the person.

Mr. EUSTIS. I am laying a foundation for the contradiction of what is stated in the memorial. There is an entire contradiction of this by a very important statement in the memorial.

Q. What is your answer to my question?—A. Please ask it again.

Q. I ask you if you ever said to any one, about a year ago, that you intended to go to California as soon as you could sell your homestead?—A. I say I may have done so. I was going on to explain that I had said several times during the last few years that if I ever left Washington County I would leave Texas and go to California, because I thought that was a better country perhaps than Texas.

Q. Then you did have that idea in your head?—A. When I said that, I do not know that I had any idea in my head of leaving Brenham or Washington County at that time, but I have said repeatedly that if I should leave there——

Q. If you answer that you may have said so, and probably did say so (as you do not swear that you did not say so), then I say you did have some intention of leaving Washington County for California?—A. I say I had no intention that I know of.

Mr. SPOONER. It does not follow that because he had thought of it, his definite intention and purpose was to go.

The WITNESS. I have often said, within the last ten years, that if I concluded to leave Brenham or Washington County I would go to California. At the time I was getting ready to leave, or just before, within the last year or six months, I do not know that I have ever expressed any determination to leave there.

Q. Did you not, about a year ago, tell Harry Haynes that you intended to go to California as soon as you could sell your homestead?—A. You have reference to the statement he made, his argument? I had no conversation with Harry Haynes; I am not in the habit of hunting up Kuklux Democrats for the purpose of making statements to them about my business.

Q. I ask you whether you ever made any such statement, as I repeated in my question, to Harry Haynes?—A. I have no recollection of it, and I do not believe I ever made any such statement to Harry Haynes.

Q. Did you make such a statement to any one else?—A. As I stated to you, I might have told some other parties that if I left Brenham I would go to California; at the same time, I do not know that I expressed a determination at the time to leave Brenham.

Q. Did you ever entertain a desire to go to California?—A. I have just stated, that for years I have thought and felt and believed that if I did leave Brenham I would go to California; at the same time I do not remember at any time that I had ever made up my mind to leave.

Q. Why did you expect to go to California; for what purpose?—A. To live.

Q. To improve your condition?—A. Yes; and I liked the climate; I think it is a good country.

Q. Do you think Mr. Haynes would have made any such statement under oath, that you had so told him, unless he believed it to be true?—

A. I don't know about that; I don't know whether he would or not. As a general rule, Democrats resort to any means to injure Republicans in political matters, and Mr. Haynes, being an extreme partisan, it may have led him into making a statement of that kind.

Q. I know what the general rule is, of course; but I ask you if Mr. Haynes made that statement, under oath, that you had told him that about a year ago you intended to go to California as soon as you could sell your homestead, whether you think he would have said so unless he believed it to be true?—A. I heard Mr. Haynes make the statement, under oath.

Q. But the point is, whether Mr. Haynes does not believe that statement is true?—A. I don't know whether he believes that it is true.

Q. But I ask you whether you think Mr. Haynes would swear falsely to a statement of that kind?—A. I say I don't know whether he would or not, and I went on to qualify my remark by giving my reason by not thinking so.

Q. Did you ever offer your property for sale to Mr. Lehman?—A. I expect so; yes, I think I did.

Q. What was your object in offering that property for sale?—A. I wanted to change my business; to move into town and go into some other business.

Q. Did you not then have in contemplation your going to California?—A. I do not think I did just at that time.

Q. Didn't you tell Mr. Lehman that you wanted to leave?—A. I do not remember telling him any such thing, and I do not believe I did.

Q. You say you owned one piece of property which you sacrificed?—A. Yes, sir.

Q. You sold it for two thousand dollars?—A. Yes, sir.

Q. What was that property assessed at?—A. I don't remember now. People do not give in their assessments of what their property is worth in Texas.

Q. I do not ask you that question.—A. I want the people to know that.

Q. I ask you what that property was assessed at?—A. I do not remember. I know it is not assessed at the full value, for it is not the custom in Texas to give in the full value.

Q. Don't you remember in regard to the only piece of property that you owned, what it was assessed at and what taxes you paid on it year after year?—A. I had only bought it a year or so before that.

Q. How long had you owned it?—A. About a year and a half before I sold.

Q. When did you last pay taxes on it?—A. When I last paid taxes on it was for last year. When we made the trade I arranged with Mr. Felder, the gentleman who bought it, to pay the taxes on it. The first tax on it that I owed was the tax for last year.

Q. How much did the taxes amount to?—A. I don't remember now.

Q. You do not remember what the property was assessed at?—A. No, sir; I do not remember what it was assessed at.

Q. Don't you remember what the tax on it was?—A. I think it was \$30 or \$40; I don't recollect the exact amount.

Q. Was it assessed at \$2,000?—A. I don't remember the amount

Q. Was it assessed at more than \$2,000?—A. I say I don't remember the exact amount it was assessed at.

Q. Have you no idea about it whatever?—A. I suppose it was assessed at \$2,000 or \$2,500, for like other people in Texas I did not give in the full value of it for taxes; that is not the custom of the country.

Q. What makes you suppose it was assessed at \$2,000 or \$2,500?—A. Well, people give in their taxes there, and by examining the price of the property it would lead one to believe that they give it in for a little less than half of what it is worth, or something like that.

Q. Do you mean to say that property there is assessed at 50 per cent. of its value?—A. Generally less than that. For instance, land in the country that people ask \$25 and \$30 an acre for pays taxes on an assessment of \$8 or \$10, or \$12 or \$15 an acre.

Q. When you offered that property to Mr. Lehmann how much did you ask for it?—A. I asked \$6,000 at that time. I don't remember to have offered it to anybody for less than \$6,000. I might have taken less than that for it, but I do not think I offered it for less than that.

Q. How much did you pay for it?—A. I paid \$4,500 for it. It had sold a year before I bought it for \$6,250.

Q. Do you mean just the property itself or goods with it; was it sold for goods?—A. The consideration stated in the deed that was turned over to me when I bought the property was \$6,250.

Q. If you were obliged to leave, why could you not leave your property there to be sold?—A. I needed the money to get away on.

Q. There was only a \$1,500 mortgage on it; couldn't you raise more money on it if it was worth \$6,000?—A. Well, the mortgage had a good while to run. The first note was due on the 1st of January of this year, and I could have paid that if I had staid there, but I did not consider my life was safe in staying there, and was advised to leave, and I didn't care to own property in a community where I could not live myself and enjoy it. I had some personal property besides that; some other things.

Q. You say that the Republicans would have had a large majority in the county if it were not for bulldozing?—A. Aside from improper influences and bulldozing they might have used against them they would have had a large majority.

Q. Did not the Democrats carry that county in 1884?—A. Well, yes, sir.

Q. Was there any trouble of any kind, or any disturbance except at the Chapel Hill poll?—A. I think there was a good deal of bulldozing, as there generally is when there is an election.

Q. Do you mean to say that the colored people were bulldozed in 1884?

The WITNESS. Do you ask me if they were?

Mr. EUSTIS. You said they were.

A. I said generally at all elections in Washington County there are more or less improper influences brought to bear on the colored people.

Q. You used the word bulldozing or intimidation?—A. Yes, sir; bulldozing.

Q. What bulldozing?—A. It is done in various ways; there are a great many colored men who own their own farms, and a great number of them are employed by white people and Democrats. These colored people that the Democrats hire for wages, the male portion of them, as a general rule, are compelled, under threats of losing their positions, to vote the Democratic ticket.

Q. Is that what you mean by bulldozing?—A. I call that bulldozing; yes, sir.

Q. That is what you mean by bulldozing?—A. That is one species of

bulldozing; there are various methods resorted to by the Kuklux down in that county.

Q. What do you mean by "the Kuklux down in that county"?—A. I mean the extreme portion of the Democratic party of that county; such men as Colonel Giddings and Judge Kirk, and that class of people.

Q. Do you call Colonel Giddings a Kuklux?—A. He is regarded by Republicans in that country as being at the head of this organization down there; they call it the Kuklux. He is considered to be the head man of it—the boss of the business.

Q. I thought Colonel Giddings had made a very pacifying speech at this public meeting, and tried to restrain the people from resorting to violence?—A. That is the kind of speeches that he makes in public, but in private he changes his tune considerably, and advises all these outrages to be committed by other men. I say that is the impression among the Republicans in that community.

Q. You seem to have a great many impressions in that community; your whole evidence has been pretty much nothing but impressions. Do you know of any instance where Colonel Giddings has advised any violence of any kind towards any Republican?—A. Yes; I have heard the report that he did it.

Q. What did you hear?—A. I heard that he said——

Q. I ask if you know of any acts?—A. He did not make any threats to my face, but I suppose he made them around town generally.

Q. Do you know that he made them around town at all?—A. That was the common report in town.

Q. You have testified to so many impressions that it is almost impossible to keep the run of them, but you say your impression was, you heard or understood that Judge Kirk wanted to get up a row on the day of the election, and that he had come out there for that purpose; that was your statement?—A. Yes, sir; that was the impression that was resting on my mind at the time.

Q. At what poll was that?—A. That was at the fourth ward voting place in the city of Brenham.

Q. Did the Democrats or Republicans have a majority there?—A. I think on a free ballot and a fair count that the Republicans would have a majority at that polling place.

Q. They always think that; but I ask you, generally speaking, which party has in the past carried that poll, the Republican or the Democratic party?—A. I think it has been generally carried, when we have had a fair election, by the Republicans.

Q. When was it carried by the Republicans?—A. I do not remember, but my recollection is that it had been carried by them.

Q. When was it?—A. At other elections. I know I carried it myself two or three times.

Q. I am not speaking of yourself, but of the Republican ticket.—A. I say that is my recollection about it, although I may be wrong. I have not got the election returns for the last ten or twelve years in my head.

Q. Do you know which party carried that poll at this last election?—A. I think it went for the Democratic ticket.

Q. Do you know which party carried that poll in 1884?—A. I do not remember. If you are going to pin me down to what I know personally about these things, rumors, or recollections, I want to know what I am to testify to.

Mr. SPOONER. You answered the question, that you did not remember.

Q. What motive could Judge Kirk have had for creating a row, riot, or disturbance there at that particular poll?—A. Now you want me to tell

you what my opinion is that his motive was. I could not tell you positively what his motive was.

Q. I understand.—A. The impression I had as to his motive, that is all I can give; is that what you want to know?

Q. Yes.—A. Well, for the last two weeks previous to the election, seeing Judge Kirk as often as I did during that time, and knowing him as well as I did, having gone through the previous campaign with him, I was satisfied from his actions and tone, and information I got through the county, that he was satisfied that if the election went off fairly and quietly, and the Republicans were allowed to give a free vote, and their ballots to be fairly counted, that the entire Republican ticket would be elected, and I think his hope was to create a disturbance there and have leading Republicans killed and break up the election.

Q. Did he ever tell you that that was his impression?—A. He did not; but I am telling you that is my impression now and was at the time; that they would break up the election and let the present officers hold over their terms in order to cover up the rascality that had happened during the last two years, and to prevent the public from looking into those affairs.

Q. Did you get that impression from anything Judge Kirk told you?—A. No, sir; I did not; but from his general actions. It was not from what he told me, but what others told me, and my general knowledge of things. I was pretty well posted about the campaign.

Q. Did any persons tell you that Judge Kirk intended to get up a riot at that polling place?—A. As I said, some of us who were accused of being leading Republicans, had discussed the matter the night previous to the election, and in fact for several days previous to the election. We thought from the action of Judge Kirk and Mr. Rodgers and other leading Democrats there, that that would be the only way by which they could retain the offices, and that they were determined to retain them at any and all hazards.

Q. Just answer my question. Did anybody tell you that Judge Kirk intended to create a riot at that poll?—A. I do not remember that anybody told me that he intended to create a riot at that poll, but I expect we talked about it generally. I say that his conduct and the conduct of his associates created that impression on my mind.

Q. Do you state that nobody told you so?—A. I do not say so; somebody might have told me so, and I might have told somebody so, and I expect I did.

Q. What is your answer to the question?—A. I say perhaps I told somebody so, or somebody might have told me so. I expect it was talked over in our associations; I mean those who were conducting the Republican campaign discussed the matter. I don't remember whether somebody told me first or I told them first.

Q. Then you cannot swear that Judge Kirk told you or anybody else?—A. I will swear that Judge Kirk did not tell me so.

Q. You cannot swear that anybody else told you, so far as he had heard from Judge Kirk himself, that Judge Kirk intended to create a riot on that day?—A. I have told you twice that the conduct and character of Judge Kirk and his associates created that impression.

Q. I am speaking of verbal communications to you.—A. I told you just now that I did not remember. Somebody may have told me so and I may have said it was so myself.

Q. You do not swear, then, that they did tell you so?—A. I will not swear that they did or did not, but I expect they did, and I may have told somebody so myself; that was the impression we had.

Q. In 1884 there was a disturbance at the Chapell Hil poll?—A. Yes, sir.

Q. And persons were killed there?—A. No, sir; nobody was killed at the time; one died from his wounds afterwards; three colored men were wounded there.

Q. You were sheriff of the county then?—A. Yes, sir.

Q. Did you ever discover who they were?—A. Did I discover who did the shooting? I went to Chapel Hill with a posse of men the next morning and had the ballot-boxes taken back and a guard placed over them and the count continued and finished and the box brought to Brenham under a guard. Three colored men were wounded there, and one was said to have died from his wounds afterwards.

Q. You made efforts to discover who they were, did you?—A. Yes, sir. I went out of office a short time after that.

Q. You were there thirty days?—A. No, sir.

Q. Your efforts were fruitless, and it didn't result in anything?—A. No, sir. I only had a very few days to devote to it. It might have been successful if I had continued the investigation further.

Q. What investigation did you make?—A. I made what inquiry I could during the few days that I remained in office.

Q. And you could not find out who did it?—A. Well, I did not find out who did it at that time.

Q. You state that the general impression was that those three negroes who were hung were hung because they were witnesses?—A. Yes, sir; because they knew too much about who destroyed and captured the ballot-boxes at Flewellen's Store.

Q. Did you know that the other negroes who were arrested and not hung were present at this raiding of the ballot-box?—A. I understood some of them were.

Q. How do you account for their not being hung also, if they were not witnesses?

The WITNESS. My theory of it, do you mean?

Mr. EUSTIS. Yes.

A. I do not think they knew so much about the difficulty as those three who were hung.

Q. They were present, were they not?—A. I do not know that they were present at the killing of Bolton, or at the time of the raiding of the ballot-boxes. My understanding was they were around or about the polls.

Q. It has been proved they were in the room.—A. I do not know that of my own knowledge; if it has been proved, it must be so; I was not there myself.

Q. But you say Jones, Kinlaw, Handy Hayes, and Steve Jackson were in the room?—A. I was not at Flewellen when the difficulty occurred, myself.

Q. And that they were some of the eight who were arrested, besides those three who were hung. Is it not probable that if the object of hanging those three was to suppress evidence, that they would have hung the others if they knew as much?—A. The supposition is they did not know as much.

Q. But if they did know as much, if that was the reason for hanging them?—A. I presume if the mob had supposed they knew as much as the other three, they would have hung all eight of them.

Q. You said there were rumors of a negro insurrection manufactured by Democrats?—A. That is my opinion.

Q. Do you know anything about it?—A. You asked me for my opinion about it, and I say it is my opinion.

Q. I do not ask for your opinion; what do you know about it?—A. That was the rumor among the Republicans.

Q. You do not know anything about it as a fact?—A. I do not know it to be a fact, but I believe it to be a fact.

Q. You do not know anything about it as a fact?—A. No, sir.

Q. What Democrats made threats against you?—A. I understood that the whole mob of Democrats in the county had made threats. I had been informed that there had been a resolution introduced by Judge Kirk in this meeting of the mob held in Eldridge Hall.

Q. What Democrats made threats to you personally?—A. Judge Kirk did on the day of the election.

Q. Is that the only case?—A. That is all that I remember. I was making a speech at Chapel Hill two or three days before the election, and a deputy sheriff or constable there named Schley threatened to shoot me, and attempted to draw his pistol out while I was making a speech.

Q. That was before the election?—A. That was the day of the election.

Q. What threats were made against you, to yourself, after the election?

The WITNESS. To myself personally by Democrats?

Mr. EUSTIS. Yes.

A. I do not remember of any. The threats that Judge Kirk made were on election day.

Q. In that difficulty you had with Judge Kirk?—A. Yes, sir. He threatened on that day to kill me on the next day; that was one of the threats he made; I passed by him the next day, but he did not kill me.

Q. How do you account for other prominent Republicans staying there and not being molested or driven away, whereas you testify that you were driven away?

The WITNESS. You want me to tell you how I account for it?

Mr. EUSTIS. Yes.

A. Well, I will do it. The other leading Republicans that are there now are principally Germans. There is a large German population in the county and a small American population in the county. I think the fact that the other leading Republicans there are Germans is the cause why they have not been driven away, because the few American Democrats who are there do not want to antagonize the large German element.

Q. Is not this Mr. Potter an American?—A. Yes, sir; Mr. Potter is an American.

Q. Has he not been a very active and prominent Republican?—A. For the last campaign he has been active, yes, sir. Do you want me to tell you my theory about his living there up to this time?

Q. How do you explain Mr. Schutze's being driven away; he was a German?—A. Mr. Schutze was driven away because he was prominent there and had a newspaper that the Democrats were very anxious to get rid of.

Q. But is not that a contradiction of what you have just stated about the Americans not wanting to drive out the Germans?—A. I did not say that the Americans did not want to drive out the Germans.

Q. I asked how you explained the fact that there were prominent active Republicans who were not driven away from the county, and

you said because they were Germans.—A. Generally, principally Germans.

Q. And that the Americans did not want to antagonize the large German element. I ask you how you explain, according to that theory, the driving away of Mr. Schutze, who was a German. A. I explained to you that Mr. Schutze was publishing a paper there that they wanted to suppress; that is my opinion about it.

Q. Did you ever live in Lee County?—A. Yes, sir; I have lived in Lee County.

Q. Did you ever vote the Democratic ticket there?—A. No, sir; I never did. I might have voted for some Democrats there, but I never voted the Democratic ticket.

Q. When did Mr. Robertson communicate to you what you have stated about Democrats threatening to kill you?—A. He did it on several occasions after the election and before I left there.

Q. When was the first time that he spoke to you about it?—A. My recollection is that the first conversation we had about it was on the way from the center of town out to where we live. We lived very near each other, and on this occasion he was in his buggy, and I was on horseback, going home. My recollection is that was the first time perhaps that we had any direct conversation bearing on that subject.

Q. When was that?—A. I don't remember when it was; but some time in November, after the election.

Q. Right after the election?—A. Several days after the election.

Q. When did he give you the same information the second time?—A. I think that was in the lane where he passed between my house and his. We had several conversations about it, and he repeatedly told me that my life was in danger there, and would advise me to leave as soon as possible. He finally told me that he was authorized by the mob, as he called it (I think he used the very word "mob"), and told me that if I would sell out and go away he would be responsible to the mob for my good conduct until I could make arrangements to dispose of my property, and he advised me not to stay there, certainly, longer than the 1st of January. He said one night he expected to find me dead; that he knew the mob was in town; but they were advised to be quiet; but some of them had become fiery, and could not be controlled. He said they had even come down to my house and called a colored man and asked him if I was at home, and had some conversation with him in reference to the matter. I do not remember that there was any importance attached to it at the time, but he told me that my life was in danger, and he said Schutze and Hackworth would be killed if they remained there, he was satisfied.

Q. Do you know anything in regard to —?—A. I want to tell you what happened afterwards about Robertson, after he sent and found a man to buy my place. It was managed in a peculiar way, as well as the sale of the real estate. It seems they had one man staked out to buy each particular piece of property. There was only one offer made for the place, so far as I know. I understood there were some people in town who wanted to make offers for the place, but who were afraid to do it. Some Democrats would select a horse, and another a cow, and say what they were willing to give for it, and no other man would make an offer for it. It seemed to be the understanding among the Democrats that each one would buy a certain piece of property. Afterwards it was told me that other parties would have liked to give me more for the property, but they were afraid to buy it against these parties who took it; that it was understood that the property would be

taken by certain individuals at a certain price, and other parties were not permitted by the Democracy or the Kuklux to make any offer against those men or to give any more.

Q. All this you learned from Mr. Robertson?—A. I did not say I learned it from him, but his acts and the acts of the others confirmed me in believing the report that I had heard that that was the case.

Q. I was asking you about Mr. Robertson's communications at the time you made that answer.—A. I did not say that Mr. Robertson had told me of these threats.

Q. Who did tell you about it?—A. I said I heard it after the sale was made.

Q. Who told you about it?—A. That was a matter that was communicated to me in a private way, and I do not propose to violate the confidence placed in me, unless it is decided by the committee that I shall do so. I would like to state, however, that the facts connected with the case, and the conduct of the parties who bought the property, in connection with Mr. Robertson's statements, satisfied me that that report was true and that that was the way the whole transaction was managed. I am satisfied now and I was satisfied then that the report I heard was true, and I was satisfied of it by the acts of Mr. Robertson and the other parties.

Q. Who gave you that information?

The WITNESS. What information?

Mr. EUSTIS. The information that you speak of. You say you got this information, and it confirmed the report that you had heard that all this arrangement was made as to who should buy this and that piece of property.

The WITNESS. Do you mean who told me that such an arrangement had been made?

Mr. EUSTIS. Yes.

A. I say it was a rumor around town that I heard, and I say that the acts of Mr. Robertson and the parties who bought the property satisfied me that that rumor was true.

Q. I think you said that somebody had given you this information, which confirmed that report that this thing had been done?—A. Well, I heard parties repeat the rumor, if you call that information.

Q. Who were they?—A. I do not think I ought to be required to give that information.

Mr. SPOONER. We cannot make a rule about such communications that will cover everybody in Texas, you know. There is a fair and reasonable principle apparent to anybody. As far as I am concerned, I am in favor of protecting a witness to that extent, but I do not think we can adopt a rule here which will enable a witness to give all sorts of statements, and then refuse to tell the authors of them.

The WITNESS. Do you think I had better answer that question?

Mr. SPOONER. I think you ought to.

The WITNESS. I am perfectly willing to answer it. Now, I want to say that the two or three parties who told me that told it from what they could gather around town, that certain parties were going to buy the property at certain prices.

Q. Who told you so?—A. Mr. Mann told me, for one, that he thought he could get a higher price than that. After the offer was made I waited two or three days to see if I could not find somebody else who would give more than was offered by Mr. Felder. I made some inquiries around town, and asked one or two parties to try and sell the place for me, Mr. Breedlove and Mr. Mann, particularly. Mr. Breedlove told me that he

was satisfied that there was an understanding among individuals around town that certain prices would be given for my property, and that it was no use to try to get any more for it; that he had tried to get more than that for it and could not do it. Mr. Mann told me about the same thing.

By Mr. SPOONER:

Q. That is, that he had tried to get more for the property than a given amount, and could not get it?—A. Yes, sir; and that he had an impression on his mind that it was an understood affair among parties there that they would give so much for each separate piece of property, and nobody else would make offers against it. Mr. Robertson also told me——

By Mr. EUSTIS:

Q. Who bought your hack or carriage?—A. Mr. Felder.

Q. Is Mr. Felder a Republican?—A. It is not the same Felder who bought the place. Rufe Felder bought the hack horses, so I understood from Mr. Robertson.

Q. Is he a Republican?—A. No, sir; he is a Democrat.

Q. Who bought the carriage?—A. I understood that Mr. Doherty did.

Q. Is he a Republican?—A. No, sir; I do not think he is; he has been voting the Democratic ticket for some years. My opinion is that he is a Democrat; he has been affiliating with the Democratic party.

By Mr. SPOONER:

Q. How long before you left there was it known to the public, if at all, that you felt that you were compelled to leave?—A. Only a few days. I came to that conclusion only after Mr. Robertson had advised it, within the last week before I sold out.

Q. When did you first conclude to sell your property?

The WITNESS. For the purpose of leaving town?

Mr. SPOONER. Yes.

A. Within a week of the time I left there.

Q. Have you given the date of that?—A. I think I left there on the 13th of December.

Q. Do you know Lonny Gilder, as he is called?—A. Yes, sir.

Q. And Ed. Lockitt?—A. Yes, sir.

Q. How long have you known them?—A. I have known Lonny Gilder for twenty years, I suppose; he is my wife's brother. Ed. Lockitt I have known twelve or thirteen years, ever since he has been in Brenham.

Q. Do you remember seeing them on the evening of election day?—

A. I am positive that I saw Lonny Gilder, and I think I saw Ed. Lockitt, though I am not positive about that.

Q. When and where?—A. At the polls in the fourth ward at Brenham, where I was. I staid there until 12 or 1 o'clock, when the votes were counted.

Q. You saw one, and you think both of them there?—A. Yes, sir; at sundown I think was the first time. I saw Gilder several times during the night.

Q. Where had they been during the day?—A. Down at the Graball and Flewellen boxes.

Q. Did they bring in any report as to how the election had gone at those polling places?—A. Yes, sir.

Q. What was their report?—A. They reported that the Republicans had voted the straight ticket with very few exceptions, and that things were quiet and orderly.

Q. Are you positive that you saw one or both of those men at that polling place between sundown and 1 o'clock?—A. Yes, sir; I am positive that I saw one, and almost positive that I saw Ed. Lockitt before dark; I am not positive of that; but I saw Gilder several times during the night; he came where I was there.

Q. Then you know that at sundown Gilder was in Brenham?—A. Yes, sir; he told me that he and Lockitt had come back there with a young man they knew.

Q. What was his name?—A. It is a strange name that I cannot remember now unless somebody would call it. He had been a clerk for Mr. Flewellen at his store—Henry Hartzig is the name.

Q. Did they say how they came in?—A. They said they came in on horseback.

Q. Had you heard any talk on election day or prior to election day about the raiding of those ballot-boxes?—A. As I stated in my direct examination——

Q. Only the fears that were expressed on election afternoon?—A. The Republicans came to the conclusion about two weeks before the election that the Democrats were satisfied that they would be beaten on a fair vote, a free vote, and a fair count, and we concluded that the only thing they could and possibly would do was to attack and destroy the ballots on election day and raise a riot at the voting places.

Q. Do you know of any Republican leader who ever advised the negro Republicans of that county to tamper with the ballot-boxes?—A. No, sir; I never heard a Republican give any such advice; on the contrary, the Republicans always advised the colored people to be law-abiding citizens.

Q. During the years you lived in that county do you recollect at any time when a Democratic polling place was raided and the ballots interfered with?—A. I never heard of such a thing in the county.

Q. Do you remember any occasion when a Democrat became so offensive to the people of Brenham or of that county that he was ordered to leave?—A. I never heard an instance of that kind in the county.

Q. There are some Democrats there, I suppose, who do not stand as well as others socially?—A. Yes, sir.

Q. But they have not been molested, so far as you know, by notices, threats, or otherwise?—A. I never heard of any of them getting notices, except that I understood that Judge Kirk had gotten a notice; and I also understood that some of his friends had written it to him.

Q. Was that the general impression there as to the notice received by Judge Kirk?—A. It was at the time I left there, among Republicans and others, I think. The general impression was that it had been written to him by Democrats, as a joke.

Q. As a stand-off to the notices which had been sent to Republicans?—A. Yes, sir.

Q. Was there any talk in regard to the handwriting of the notice sent to Judge Kirk, or any comparison with other handwriting?—A. I think somebody said it favored Mr. Rodgers's handwriting.

Q. Mr. Rodgers was the county attorney?—A. Yes, sir.

Q. A Democrat and a friend of Judge Kirk's?—A. Yes, sir. Somebody might have suggested other names.

Q. Somebody might have suggested that I wrote it?—A. Well, I think, perhaps, other names were mentioned, but I do not recollect.

Q. Then this suggestion that men should sell out their property and go into some other climate or some other community was directed altogether towards leading Republicans?—A. Yes, sir; the impression, that

is the rumors there were that the Democrats had made up their minds to get rid of Mr. Hackworth, Mr. Schutze, and myself and Mr. Potter at all hazards; that we would not be permitted to live there; that it was a Democratic country and that the Democrats were going to control it at all hazards, and would not stop at the sacrifice of our lives and property or anything else to carry out their intentions.

Q. What were county orders worth in 1884 when the Democrats took charge of affairs there?—A. My recollection is that they were at about par, or perhaps a little discount at sometimes.

Q. At 90 or 95, or along there?—A. Yes, sir; I think so.

Q. When I say county orders, I mean county scrip.—A. Yes, sir. My recollection is that it was about 90 or 95 when we sold out. The jurors generally draw the money on their scrip, and with some other funds they paid cash, and even at that time they would occasionally fall short.

Q. What was county scrip worth when you first went to that county?—A. When I first went there it was in 1867 or 1868, pretty soon after the war, and I do not know whether there was any then or not.

Q. Things were in a pretty badly demoralized condition, and the credit of that and other counties were pretty bad, was it not?—A. Yes, sir; I do not think it had any credit about that time.

Q. The counties were poor, and just beginning to pick up after the war?—A. Yes, sir.

Q. During the Republican administration, from that time out, how was the credit of the county, constantly improving or otherwise?—A. It gradually improved. When I commenced paying attention to it, scrip was down to 40 or 50 cents on the dollar, and it gradually went up until 1884, when it was sometimes at par and sometimes at a small discount.

Q. Up to 1876 lands were not allowed to be sold for the non-payment of taxes?—A. No, sir.

Q. And the land owners of that county did not pay their taxes to any considerable extent?—A. A great many of them refused to pay their taxes, and there was no way of forcing them to do it.

Q. And the county treasury was therefore not by any means plethoric of money?—A. No, sir.

Q. After 1876 machinery was adopted by the legislature for collecting unpaid taxes?—A. Yes, sir. The present constitution went into effect changing the tax laws.

Q. And from that time the credit of the county improved?—A. Yes, sir; because they could enforce the collection of taxes.

Q. Were there any improvements made in the county under Republican administration?—A. Yes, sir; they commenced then a new courthouse and a jail.

Q. How many defalcations were there by Republican office holders?—A. Only two that I know of.

Q. There has been some talk here on the part of witnesses about the general stealing and waste by Republican office holders?—A. I do not remember but two cases, one the tax collector and the other the county treasurer.

Q. Two in how many years?—A. I do not remember but two having occurred during my residence there, which has been for nineteen years; that is all I can remember. There was something said about some school vouchers being forged within the last two or three years, but I don't know whether that amounts to a defalcation.

Q. Is Mr. Hackworth a man of good standing among the Republicans?—A. Yes, sir.

Q. Was he a member of the church?—A. I understand Mr. Hackworth was a member of the Baptist church.

Q. A man who stood well among religious people?—A. I understand so.

Q. So far as you know?—A. Yes, sir; I understand so.

Mr. EUSTIS. Don't you know that every robber in Massachusetts who has robbed banks is a member of a church?

Mr. SPOONER. How about Louisiana?

Mr. EUSTIS. Our cashiers don't go to church at all.

The WITNESS. The only objection the Democrats have to Mr. Hackworth is on account of his being a Republican. It is the policy of the Democratic party of the South, especially in Texas, to try to ruin the characters of leading Republicans, in order to break down their influence in the South.

By Mr. EUSTIS:

Q. You say it is the policy of the Democrats to try to break down the characters of the leading Republicans in the South?—A. It is my impression that that is their policy; they have certainly pursued that course in Washington County.

Mr. EUSTIS. Our witnesses have given you a very good character; I do not know any more than you deserve.

The WITNESS. I am very much obliged to them for it.

Mr. SPOONER. You need not be too thankful; some of them have not, but most of them have. They say you have not made any social-equality speeches.

TESTIMONY OF B. F. ROBERTSON.

B. F. ROBERTSON, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. B. F. Robertson.

Q. How old are you?—A. I am forty-six years old.

Q. Where do you live?—A. In Washington County, Texas.

Q. At Brenham?—A. On the edge of the town, just out of the corporation.

Q. How long have you lived there?—A. Forty-six years I have lived in that county, but I have not lived in that particular place but six or seven years. I was born in the county.

Q. What is your business?—A. I am a farmer and a landlord; I rent farms.

Q. What are your politics?—A. I am a State or national Democrat, but for the county I vote for the men I like best and think will fill the office best. I never have been considered a political man in the county.

Q. Do you know J. L. Moore, one of the memorialists here?—A. Yes, sir; I am acquainted with him.

Q. How long have you known him?—A. Ever since he came to Texas; I do not remember how many years; the first year he came to Texas.

Q. Mr. Moore has testified that you told him, I think, on several occasions, that you had heard that threats had been made by Democrats against his life, and that you had advised him to leave Washington County, and that he had delayed leaving, on your guarantee to those people, what he called, and what you called to him, the mob, that you had

guaranteed his safety up to about a certain time, and that then he would be obliged to leave.—A. Part of his statement was true, but the main part of it was false. His statement was false, with the exception of one portion of it, which I will tell you. He says—let me tell it in my own words, and I will tell it better—it was a few days after the election that I told him that he had better leave. There he knows better. It was after Judge Kirk got the notice to leave. I was going out home in my buggy and overtook him. We live neighbors within a few hundred yards of each other.

Q. Fix about the day of the month when it was.—A. It was along in December, I think it must have been. He was on his horse, and I rode along and spoke to him, and when we got to the creek, where we separated, he went straight up to his home and I went around. He asked me then, "Do you think there is any danger of their mobbing me?" I said "No; none in the world from the Democratic party, none in the world; they are not going to hurt you; I will give you my word of honor that they will not hurt you; but," I said, "a notice has been sent to Judge Kirk, and if Judge Kirk is killed under that notice then there is danger; if Judge Kirk is killed under that notice I would not stand in your shoes. I would advise you to leave if Judge Kirk is killed, because I think they are going to hold you responsible." Then I told him half a dozen times afterwards—he would ask me and I would tell him—"There is no danger in the world so far as the mob is concerned; they do not have anything against you personally; I do not know who they are, but I know they won't hurt you." He then remarked, "I have private enemies that there may be danger from." I told him, "I do not know about that." He said "They may take advantage of these disturbances," his private enemies, to hurt him. I think his private enemies were in the Republican party; he had none in the Democratic party; his worst enemies that he knew were in the Republican party up to that time.

I voted for him for sheriff and for district clerk many times, and I know many Democrats did the same thing, because politics don't influence us at all. In regard to Mr. Moore's being a good officer, I have no complaint in the world to find against him as an officer. He said there were private enemies who might take advantage of this disturbance to kill him. He went on further, and he asked me, "Won't you sell my property for me?" Well, I told him I didn't know who wanted to buy it; I did not myself, for I had as much as I wanted, and I did not need such a property as he had; I had more of it then than I needed. I went home, and my wife said, "One of your friends wants to buy a home—Mr. Felder; why don't you go and see him?" I had forgotten Mr. Felder, and so when I came back I told Mr. Moore I would go and see Mr. Felder and bring him over and see if he would trade clear. So I brought Mr. Felder out in the buggy with me, and I walked up home and left him and Mr. Moore to trade. About the time I thought they were through I came down, and we got in the buggy and went to town, and I told him, too, what I would give for the place if I needed it; that I would give so much for it; I said to him, "You can do what you please about it and give whatever you think the place is worth." He asked me what I thought it was worth. I told him that for a homestead it was not worth much; that you could not make any living on it, and two or three people had starved out on it; that the houses were of no account. But I carried Mr. Felder back the next day and went to my farm, and so again until the next day, and when I got back home they told me that they had closed the trade. But as for my telling him that

I was authorized by the Democratic party to tell him to leave, and that I would protect him, that is all false. I am not a leading Democrat by any means, as any of these gentlemen will tell you. At home I go and vote the national and the State ticket Democratic, but as to the county I am independent; but some of my best friends are Republicans.

Q. Did anybody ever tell you that they were going to threaten his life?—A. No, sir.

Q. You never heard of anybody making any threats against Mr. Moore?—A. I never did.

Q. You never told Mr. Moore that anybody had told you so?—A. I did not.

Q. You never promised to guarantee his security or safety up to a certain time?—A. No, sir; I did not, as I told you, and nobody could. I told him, "The only danger with you, Moore, is if Judge Kirk is killed." They didn't get along well anyway, I said, "That is the only danger in the world; if he is not hurt, nobody will hurt you, but if he is killed, they will hold you responsible." I said, "Kirk's friend," I did not say the Democratic party. The Democratic party hadn't anything to do with our party, that was the People's ticket. The Democratic party had nothing to do with the election, and good Democrats voted for Republicans.

By Mr. SPOONER:

Q. The Democrats had nothing to do with the county election you say?—A. I mean as a party. It was a People's ticket, and good men voted for it, strong Democrats and good Republicans both voted for it.

Mr. EUSTIS. The witness is right.

Mr. SPOONER. The witness is not right.

The WITNESS. I am right.

Mr. EUSTIS. It has been proved that this ticket was gotten up partly by Republicans.

Mr. SPOONER. That has not been proved yet, I think.

Mr. EUSTIS. It has been proved by half a dozen witnesses. You have been away part of the time, and probably did not hear it. But it has been proved by some prominent citizens of the county.

The WITNESS. Some of the strongest citizens in the county voted for Tom Lockett, who was on that ticket.

Q. Did you ever hear Mr. Moore express any intention to leave that country, before the election?—A. I do not know that I ever did before the election, but while we were talking the matter over at different times, he was talking about going to California. He said he always wanted to go there, and was in no business and had no way to support his family; that his place was to be sold in the coming court, and he had no money to redeem it, and of course if he did not redeem it the man would sell it out at the coming court, and he wanted to go to California, if he could, where he could start anew, and that the climate would improve his health, and his wife said the same thing.

Q. What was his business after he gave up holding these offices?—I do not know that he had any. He sort of run a little garden out there, but it didn't amount to anything.

Q. You lived near Mr. Moore?—A. Yes, sir; within a few hundred yards of him; my tract joined his.

Q. You know that place that he lived on?—A. Yes, sir; I have known it for a number of years.

Q. What did you think he could get for it when he offered it for sale?—A. As a homestead for a man who wanted to build there, I think it was

worth \$2,000, just for the sake of having a nice place to live. It has nice grass, and with a plenty of money, a man could improve it and make a pretty place of it. But for the actual value, it is not worth anything; it is too poor. I think \$2,000 is a good price for it. It is worth nothing to cultivate, but it is nice for a man as a homestead. It is right straight up and down a hill, and nearly all washes off, and where it doesn't wash off a creek overflows it.

Q. You say you vote sometimes for Republicans and sometimes for Democrats?—A. Yes, sir; I do in the county and have since the war.

Q. Do you know of any reason why, simply because a man is a Republican, he should be obliged to leave that community?—A. No, sir; none in the world.

Mr. SPOONER. I don't either.

The WITNESS. I say they don't have to leave down there because they are Republicans.

Q. People leave there because they choose to?—A. Bad men have to leave a country sometimes, whether they are Republicans or Democrats, but being a Republican don't cause you to leave our county.

By Mr. SPOONER:

Q. You say that Mr. Moore's property was worth to some man who had the money and wanted a nice homestead, about \$2,000?—A. Yes, sir; I do.

Q. He had no money, and you say, I understand it, that his place was mortgaged and was about to be sold?—A. Yes, sir; and would have been sold the coming March; the party wanted to sell me the notes and I refused to take them.

Q. How many notes?—A. Three notes of \$500 each and \$150 and some odd dollars' interest.

Q. Were the notes due when Mr. Moore left there?—A. Yes, sir; one was due and the other was about falling due the coming January.

Q. Are you as positive of that as you are of anything you have testified to?—A. Yes, sir; I am positive that one note was due.

Q. You say that one of the notes was due and the other was about to become due?—A. That is so. Mr. Fostina told me he had been there a year and a half—

Q. I do not ask the reason for it?—A. I never looked at the notes; I took Mr. Fostina's word for it.

Q. You ought to know; you have asserted that so positively.—A. I took it for granted.

Mr. SPOONER (to Mr. Moore). Is that true, Mr. Moore?

Mr. MOORE. Neither one of the notes was due, but one would have been due on the first of last January; neither one was due when I sold it.

The WITNESS. I may be mistaken; I do not say I am correct on that; I was just stating my understanding of what Mr. Fostina told me.

Q. Mr. Moore was a very popular man, was he not?—A. No, sir; I liked Mr. Moore.

Q. You never heard any threats made against him in the community?—A. Well, it was always said that he had a heap of ways to make himself unpopular.

Q. But you say you never heard any threats made against him?—A. No threats.

Q. He was very unpopular, was he?—A. He was not of the same class of unpopularity as Mr. Hackworth, but still he was not liked as a man with many; I liked him though.

Q. I presume you did love him.—A. No great love; no, sir.

Q. That is what I think myself. Now, if you won't repeat every time that you love him, we will get along quicker. You say you told him that they would not hurt him?—A. Yes, sir.

Q. Who do you mean by "they"?—A. He called it the mob; the Democratic party, in other words.

Q. When he asked you if the mob would hurt him he referred to the Democratic party?—A. He did.

Q. And you told him that the mob would not hurt him?—A. I did.

Q. Unless Judge Kirk was killed?—A. Yes, sir.

Q. You had not heard any Democrats say anything against him up to that time?—A. Not a word about killing him.

Q. That is not what I asked you. You did not hear any Democrats say anything against him up to that time?—A. Yes, sir; I had heard a heap said about him in the canvass.

Q. Had you heard anything about his being compelled to leave the county?—A. No, sir.

Q. Not a word?—A. No, sir; I did not.

Q. You had not heard any Democrat say anything about his being compelled to leave the county?—A. No, sir; I had not.

Q. Nor had you heard of any Democrats saying any such thing, had you?—A. I do not know that I understand exactly.

Q. You not only had not heard yourself any Democrats speak of his being required to leave the county, but you had not heard of any Democrats saying any such thing?—A. No, sir. If you will allow me to explain what I have heard—

Q. I will allow you to do that pretty quick. You had not heard any harsh and ugly talk against him in the community, had you?—A. I had, in certain respects.

Q. Did you attend what is known as the Eldridge Hall meeting?—A. I did.

Q. Did you hear Judge Kirk make a speech?—A. I did.

Q. Did you hear it reported there that he had made incendiary speeches and had advised the negroes to arm themselves against the whites?—A. No, sir; I do not think he said Mr. Moore had.

Q. Did you hear any suggestion there that Mr. Moore be required to leave the county or stop making speeches?—A. Social-equality speeches, yes, sir.

Q. You heard it stated at that meeting that Mr. Moore should leave the county or stop making social-equality speeches?—A. Yes, sir.

Q. Then you had heard of some Democratic talk about his leaving the county?—A. Oh, yes, sir; that is what I wanted to tell you a while ago, and you told me to hold.

Q. Did he ask you whether you thought it was safe for him to stay there?—A. He did.

Q. And you told him you thought it was perfectly safe for him to stay there?—A. I told him I thought it was perfectly safe for him to stay there if Judge Kirk was not killed.

Q. You had heard Judge Kirk himself, in the midst of a large crowd of Democrats, in a meeting, speaking of his being required to leave the county or stop making speeches?—A. Yes, sir; provided he didn't stop making speeches, he was to leave; but if he stopped, nothing was to be said.

Q. Then you think it was perfectly safe for him to stay there if he did not make speeches?—A. Yes, sir; such speeches.

Q. But if he kept on making speeches he would not be safe?—A. The speeches that he did make.

Q. Didn't you tell him about that?—A. No, sir.

Q. Didn't you tell him, when he asked you if it was safe for him to remain, that you thought it was safe for him to stay there if he stopped making social-equality speeches?—A. No, sir; I didn't tell him any such thing. I told him, "Jim, the only thing I have against you in the world is I understand you have been making these social-equality speeches," and he says, "It is a lie; I never made any." That is all I ever said about that.

Mr. SPOONER. Well, we cannot get through with you this evening.

Mr. EUSTIS. I have no more questions to ask.

Mr. SPOONER. I shall have to ask him several.

The subcommittee then adjourned until Tuesday, March 1, 1887, at 12 o'clock m.

WASHINGTON, D. C.,
Tuesday, March 1, 1887.

The subcommittee met pursuant to adjournment at 12 o'clock m.

TESTIMONY OF B. F. ROBERTSON (recalled).

B. F. ROBERTSON was recalled and further examined.

By Mr. SPOONER:

Question. It was generally understood down there that Mr. Moore must stop making these social-equality speeches or get out, was it not, among the Democrats?—Answer. Well——

Q. Answer my question.—A. I suppose it was.

Q. Then say so. Had you heard him make any speeches?—A. I never did.

Q. So that you do not know of his having made any social-equality speeches?—A. No, sir; I do not.

Q. Who were the leading Democrats who talked about his being compelled to leave the county or stop making those speeches?—A. I do not know that I could name any.

Q. See if you can; was it general talk among the Democrats?—A. No, sir; I do not know that it was the general talk; it was at the time we had the meeting that you alluded to yesterday, when Judge Kirk made that speech.

Q. But it was pretty generally settled among the leading Democrats there, and in the common speech of Democrats, that he must stop making those speeches or leave the county?—A. I suppose it was.

Q. You know it was, don't you; and as long as he continued to make those speeches he was in more or less danger, was he not?—A. I would suppose so.

Q. He did not agree to stop making Republican speeches, did he?—A. Well, I don't know, sir. I did not exact of him to quit making Republican speeches; it was social-equality speeches. I hope there is a difference between the two; we make a distinction with us.

Q. Well, his kind of speeches. He did not agree to stop making his sort of speeches, did he?—A. I do not know that he did or did not; he and I never talked on that subject.

Q. You were a friend of his, were you not?—A. I was a friend so far as he was an officer. He made a good officer, and I liked him as an officer. Socially I did not like him.

Q. You would not want him to be pounded, hung, or maltreated would you?—A. No, sir; I would not; on account of his family, particularly.

Q. But, so far as he was personally concerned, you would not have objected to seeing him hung?—A. Yes, sir; I object to anything of the kind.

Q. Unless he was a nigger? Did you object to seeing those negroes hung?—A. I did not see them hung. I did not object to looking at them.

Q. You were perfectly satisfied to see them hanging there?—A. I was satisfied, so far as I was individually concerned.

Q. And you did not have any words of condemnation in regard to the hanging of them?—A. No, sir; I did not, individually.

Q. You really did not have any objection to their being hung?—A. Not particularly, so far as I was concerned.

Q. You say you were friendly to Mr. Moore as an officer, but as an individual you were not friendly to him?—A. I was friendly, but he was not my friend. I was friendly with him; we lived neighbors; but I had no particular attachment to Mr. Moore; he made a fine officer.

Q. But on account of his family you did not want to see him hung?—A. I thought well of his family.

Q. Was that the general sentiment among the Democrats down there, that they would just as lief see him hung as not, except on account of his family?—A. No, sir; I think not.

Q. It was confined to such personal friends as you?—A. I did not say that I wanted to see him hung, or anything of the sort.

Q. He was inquiring of you whether it was safe for him to stay there or not?—A. Yes, sir.

Q. Asking you as a neighbor?—A. Yes, sir.

Q. Didn't you tell him what you had heard that it would not be safe for him to stay unless he stopped making those speeches?—A. I did not.

Q. You did think it would not be safe for him to stay unless he stopped making those social-equality speeches, didn't you?—A. Well, he had stopped them, because the canvass was over. I do not know that he ever made them.

Q. The canvass was over at the time of the Eldridge Hall meeting when they said he must stop making those speeches or leave?—A. Yes, sir; it was.

Q. You heard a good deal of talk after the election among Democrats that if he did not stop making those speeches he had to go; to leave the county?—A. I might have heard some.

Q. Why didn't you tell him when he asked you if it was safe for him to stay there that you didn't think it would be unless he stopped making those speeches, if it was your opinion?—A. He didn't ask me that; he merely said, "Do you think there is any danger of a mob coming to hang me?" And I told him not without Judge Kirk was killed.

Q. Did you ever talk with Mr. Jodon just after the election or during the excitement there, on Sunday, in front of Dr. Tristram's drug store?—A. I have never spoken to Mr. Jodon but a few times in my life; I may have said something to him.

Q. Will you answer the question?—A. I don't remember whether I did or not.

Q. Did you tell him in that conversation that as long as Schutze was at the head of the ticket and Allen Wilder, a negro, was on it for county attorney, that you thought the Democrats ought to take and keep the

offices whether they were elected or not?—A. I might have said that; I think so, sir.

Q. That was your view at any rate?—A. That was my feeling at heart maybe.

Q. In your opinion it would not make any difference whether a large majority of the people of the county differed from you or not; you mean to be understood that because you did not like a couple of men on the ticket, that if a large majority had elected the ticket, that nevertheless the Democrats ought to have kept the offices?—A. My view was, that the people who paid the taxes—

Q. That was your view as I gave it to you?—A. Yes, sir.

Q. And is yet?—A. Yes, sir; that is my view.

By Mr. EUSTIS:

Q. Go on and explain what you wanted to say.—A. I wanted to explain this, if you will allow me, that I am in favor of the people who pay the taxes being represented, and I was opposed to a man of any such character, not because he was a Republican, but I was bitterly opposed to such a man as Schutze controlling our business in Washington County.

By Mr. SPOONER:

Q. You say the people who pay the taxes?—A. Yes, sir; his stripe don't pay any taxes.

Q. How many votes were cast for the Republican ticket at that election?—A. I do not know exactly.

Q. About how many?—A. I could not tell you; I have forgotten.

Q. Can you tell me within a thousand?—A. It was between 2,500 and 3,500.

Q. Cast for the Republican ticket?—A. About 2,500, I think; I cannot remember.

Q. How many of those do you undertake to say were men who paid taxes in that county?—A. good many of them paid taxes, the Germans

Q. You think the Germans who paid taxes have no particular rights that a white Democrat is bound to respect; is that what you mean?—A. No, sir.

Q. Why should not the Germans who pay taxes have a right to be represented as well as anybody else?—A. This was not a Democratic ticket; it was a People's ticket.

Q. I am talking about the Republican ticket. You say you think that even if that ticket was elected, with Schutze at the head of it, that you Democrats ought to keep the offices nevertheless, and your explanation is that the people who paid the taxes ought to govern.—A. I considered that the negro had no property to tax.

Q. What you mean to say is that you do not think that the negroes ought to be permitted to vote, and that their votes should not be counted?—A. I never did.

Q. That is what you mean?—A. I mean that they should not be allowed to vote.

Q. Suppose a negro owns land and pays taxes on it, hasn't he a right to be represented?—A. You might make a distinction where they have to pay taxes.

Q. Well, I get at your idea, I think. You do not think much of a man who is a Republican down there anyhow, do you?—A. Why, sir, the best friend I have got is a Republican.

Q. You don't think much of a man who makes speeches, no matter

of what kind, at negro meetings?—A. I have no objection to a gentleman's being a Republican.

Q. Please answer my question.—A. Such Republicans as make speeches that way?

Q. I say you don't think much of a white Republican who would make speeches at negro meetings.—A. Yes, sir, I do; Democrats make them at negro meetings.

Q. What fault do you find with Mr. Hackworth?—A. I have no use for Mr. Hackworth.

Q. Why?—A. I do not think he is honest, in the first place, and I do not think he is truthful nor honorable.

Q. What is his reputation down there; do you say it is bad?—A. Yes, sir.

Q. In what particular?—A. As being a dishonest man, an untruthful man, and an unreliable man, both in politics and out.

Q. Is that any good reason why he should have to leave the county?—A. I do not know as he had to leave the county.

Q. You have quite a lot of Democrats down there who are not truthful, haven't you?—A. Yes, sir; I reckon so.

Q. And who are not reliable, politically?—A. But not likened to him though.

Q. Excuse me; I do not think you are telling the truth about that. You have got lots of Democrats down there who are not truthful?—A. I reckon so.

Q. And not reliable in politics, haven't you?—A. No, sir; not many of that sort.

Q. Haven't you got some who will lie to each other about politics?—A. We may have some.

Q. Haven't you got some bad characters generally, morally, financially, and otherwise?—A. To a certain extent.

Q. Did you ever hear of any of them being notified to leave that county?—A. No, sir.

Q. Was there any talk about such men in your Eldridge Hall meeting?—A. No, sir.

Q. That was confined entirely to Republicans, wasn't it?—A. Yes, and because they had—

Q. Answer the question; never mind the reason. The denunciation of men or talk about men who must leave or change their course of conduct was entirely confined to the Republicans of the county, wasn't it?—A. Yes, sir. Not because they were Republicans, though.

Q. Are there not other men there who are just as bad as Mr. Hackworth—other leading Republicans?—A. No, sir.

Q. You do not say anything against Mr. Moore's character?—A. I have not anything to say against Mr. Moore, because he was a good officer.

Q. You cannot say that the prejudice against Mr. Hackworth as developed at that Eldridge Hall meeting was because he was not a truthful man in the community?—A. It has been insisted—

Q. Answer the question.—A. No, sir; it has not been developed; it did not develop then.

Q. Was any objection made to Mr. Hackworth at that meeting because he was not a truthful man in the community?—A. Yes, sir; that was the remark; that he was a bad man.

Q. Independent of politics?—A. No, sir; not on account of politics.

Q. You mean there was talk about his being compelled to leave the

county, independent of politics?—A. Yes, sir; in addition to being a bad man.

Q. Was Mr. Schutze mentioned there, too?—A. Something was said about him, but not much.

Q. Was that talked about, his being compelled to leave the county at that meeting?—A. No, sir; I don't think they said anything about compelling him to leave.

Q. There was some talk about Mr. Potter's being compelled to leave the county?—A. Yes, sir.

Q. Was that on the ground that he was a bad man, or was it because of his politics?—A. Yes, sir; some speeches that he had been making, I suppose, and advice he had been giving to the negroes.

Q. Was this confined to men?—A. Yes; to those who made social-equality speeches, incendiary speeches.

Q. Then, there was no attempt at justifying their being compelled to leave except that they had made speeches?—A. That is all; that they had made incendiary and social-equality speeches.

Q. It was not because they were bad men independent of the speeches; there was no talk at this meeting about their being compelled to leave, independent of the speeches they had been making?—A. No, sir.

Q. So that all the threats you heard about that in connection with their being compelled to leave the county had to do with the speeches they had made in the campaign?—A. Yes, sir.

Q. There was a good deal of excitement against them on that account, was there not?—A. Yes, sir.

Q. A good many armed men came to town at that Eldridge Hall meeting?—A. Yes, sir.

Q. It was currently reported around the town that at that meeting the proposition to expel these men had been discussed.—A. No, sir; they came to town armed, but not for that purpose. You asked me about their being armed; will you let me explain why they came there armed?

Q. Excuse me; that was not my question. I ask you whether after the Eldridge Hall meeting it was currently reported around Brenham that the proposition that these men be compelled to leave had been discussed at the meeting?—A. Yes, sir; it had first been discussed, but they decided to have nothing to do with it.

Q. Was it not generally understood that these men must stop making those speeches or leave that county?—A. It was not understood in that hall so.

Q. But was it not generally understood in Brenham after that meeting that these men who were named must stop making such speeches as had been complained of, or leave the county?—A. I do not know whether it was generally understood.

Q. It was understood among the leading Democrats?—A. I do not know that it was altogether.

Q. You said a little while ago it was understood.—A. It was understood by the people I talked to that if they did not quit they would have to leave.

Q. You did not hear any Republican talking that way, did you?—A. Yes, sir; a plenty of Republicans talking—not what you term Republicans, but men I term Republicans; men who voted for Blaine on the national ticket.

Q. Talking about their being compelled to leave?—A. Yes, sir.

Q. There was a very bitter feeling against them, was there?—A. Yes, sir.

Q. Against all of them?—A. Well, no; not all.

Q. Against Potter and against Schutze and against Moore?—A. Well, against Moore and Potter; there was no great bitter feeling against Schutze.

Q. And against Hackworth?—A. Against Hackworth, but not for making speeches; there was a bitter feeling against him for his meanness.

Q. Have you ever had any personal trouble with Mr. Hackworth?—A. I never did.

Q. Do you know Henry Smith, a colored man who lives there near your farm?—A. I know Henry Smith who lives out near Independence.

Q. But you know Henry Smith?—A. I do.

Q. You said in your testimony that you went out to that farm, as I understand it?—A. Yes, sir.

Q. Did you see Henry Smith on that occasion?—A. No, sir.

Q. Are you sure that you did not?—A. I do not know where I could see him; I may have met him; I don't remember.

Q. Did you have any talk with him?—A. Not that I remember.

Q. You do not remember that you did not, do you?—A. There was nothing to call him to mind about it.

Q. Three or four days before Mr. Moore left?—A. I may or not; I do not remember.

Q. Didn't you tell him, three or four days before Mr. Moore left, that he need not be afraid; that the Democrats were after the white Republican leaders; that "Mr. Hackworth and Mr. Schutze have gone, and it is a damned good thing they have left; that they had better leave, and Moore will go in a few days, and that they came within \$100 of trading for the place?"—A. No, sir; I never have said that, because—

Q. Did you say anything of that kind?—A. No, sir.

Q. Nothing of the sort?—A. I have no idea that I did.

Q. Do you deny that you did?—A. I do deny it.

Q. That you said any such thing?—A. Yes, sir; I do. There was no hundred dollars to trade the place, in the first place.

Q. But leaving that out?—A. I didn't say any of it to him.

Q. Did you say to him that he need not be afraid; that the Democrats were only after the white Republican leaders; did you say that to him?—A. No, sir.

Mr. JODON. Isn't there a William Smith a brother of his?

The WITNESS. Yes.

Mr. JODON. Was not William Smith present at the time?

The WITNESS. He is a step-son.

Q. Do you remember having such a talk with Henry Smith or his step-son?—A. No, sir.

Q. Do you deny it?—A. I deny that I had.

Q. You did not say to him that "Hackworth and Schutze have gone, and it is a damned good thing they left and they had better leave"?—A. I deny it.

Q. And "that Moore will go in a few days"?—A. I deny it. If I said that, I would remember it. After passing my place I do not go that way to the farm.

By Mr. EUSTIS:

Q. You said it was the general talk among some of the Democrats that these men would have to leave if they kept on making such speeches?—A. Yes, sir; those incendiary speeches that they had been making.

Q. Do you refer to what took place——A. I do not mean Democrats; I just mean the people generally. I do not say Democrats.

Q. Do you refer to what took place at the meeting?—A. Oh, no, sir; not in the meeting. There was nothing of that sort discussed in the meeting. They started to discuss that, but stopped it, and Colonel Giddings made a speech and the whole thing was stopped and nothing more said about it.

Q. Was not all this excitement due to the fact that Boulton had been killed by a negro?—A. Yes, sir; every bit of it, and I can explain why those arms were there.

Q. The white people believed that those negroes had gone there armed, and had killed Boulton without any provocation, and the white people believed that there might be still more serious trouble among the negroes; was not that the cause of the excitement?—A. Yes, sir; it was.

Q. And that those white Republican leaders were responsible for it?—A. Yes, sir.

Q. What you meant by general talk was that if they continued that state of things——A. Yes, sir; that is exactly what I said.

Mr. SPOONER. Don't tell him what he meant to say; you are putting the answer in his mouth.

The WITNESS. That is exactly what I mean. I said if they continued to make those speeches and advised the negroes——

Mr. SPOONER. All right, that is what you said before, but it is not what Mr. Eustis was saying.

Mr. EUSTIS. But you have got it down that the witness has been testifying to this, that if these people made social-equality speeches. Now I want to get at what is the belief of the witness as to what kind of speeches had been made, whether they were not incendiary speeches?

The WITNESS. Yes, sir.

Mr. EUSTIS. Whether they were not speeches which excited the colored people against the whites?

The WITNESS. Arraying the negroes against the whites.

Mr. EUSTIS. And whether it was not in consequence of that, according to the belief of the white people there, that Boulton had been killed by a negro, and that there had been other armed negroes there at the time, and that what they meant was whether if that condition of things was continued under the leadership and provocation of those white leaders, that those white leaders would have to leave?

The WITNESS. Yes, sir.

Mr. SPOONER (to Mr. Eustis). Let me swear you.

Mr. EUSTIS. I ask him if that is his meaning.

The WITNESS. That is exactly what I mean.

Mr. EUSTIS. I asked him whether that was not what he said.

The WITNESS. That was my meaning. I can explain, of course, as well, but that is my meaning; not because they were Republicans, but if they continued to make those speeches and array the negroes against the whites the good citizens said they could not stand it.

Q. Then I understand you to testify that the only threat that you communicated from other parties to Mr. Moore was that if Judge Kirk was killed you would not consider his life safe?—A. Yes, sir; I told him that he was plumb safe without that; that I felt no uneasiness and he need not feel any; and I said if there was any danger I would be sure to tell him, on account of his family.

Q. And that was the only danger which you considered there was and which you expressed to him that he was running; that is, if Judge

Kirk was killed there would be so much excitement that his life might be in danger?—A. Yes, sir.

Q. Do you know whether Mr. Moore told you that if such a thing as that occurred that Frank Harvin, a personal enemy of his, would take advantage of this excitement in order to do him harm?—A. I could not say who he alluded to, whether it was Frank Harvin or not, but he said it was his personal enemies who might take advantage of this disturbance to injure him.

Q. You are reported as testifying that you do not object to negroes being hung?—A. When they deserve it.

By Mr. SPOONER:

Q. You testified that you did not object to those negroes being hung?—A. I think they deserved it if they were the cause of the killing of Boulton.

By Mr. EUSTIS:

Q. Explain what you mean by that.—A. If they deserved it, I do not object to it, or any of the negroes who were armed there.

By Mr. SPOONER:

Q. Would you not rather see a man tried and convicted before he was hung?—A. No; if he deserved it I would rather see him hung, and then he would have justice; but if he was tried then I would have my doubts.

Mr. SPOONER. I hope that principle will never be extended to you; I hope if they get mad at you they will try you before they hang you.

By Mr. EUSTIS:

Q. Do you remember having a conversation with Mr. Jodon about this matter?—A. No, sir; I do not remember having that conversation with him, but more than likely I did; I do not remember it. Those are my sentiments, that if they were elected I would be opposed to any such men holding office. I may have said it; I do not deny it, although I do not remember having a conversation with him. I do not generally have conversations with him, although I might have done it; I do not say I did not.

Q. You had nothing to do with any of these disturbances, the raiding of the ballot-boxes, or with counseling and advising it in any way?—A. No, sir; none in the world.

Mr. EUSTIS. You are entitled to your private opinion.

By Mr. SPOONER:

Q. What do you consider an incendiary speech?—A. I consider whenever a man gets up and advises the negroes to injure the whites he is making an incendiary speech. They were advised there to go to the polls armed, and to shoot down any white man who came to the polls. Any speaking of that sort I consider incendiary.

Q. At the time of the Eldridge Hall meeting there was very much excitement in Brenham?—A. Yes, sir.

Q. And a very great prejudice against Mr. Potter, Mr. Hackworth, and those leading Republicans?—A. Yes, sir; I suppose there was some.

Q. Would you consider a man who got up in such a meeting as that and said that it was reported that Mr. Moore had made negro equality speeches and that certain Republicans had advised the negroes to go armed at the polls and to shoot white men, as making an incendiary speech?—A. Well, if they were to get up—

Q. Answer my question.—A. Well, yes; I suppose if a man would get up and make that kind of a speech.

Q. You would consider that an incendiary speech, under the circumstances?—A. It might have been.

Q. Do you mean to say that no such incendiary speech as that was made at the Eldridge Hall meeting?—A. I do. They said if thus and so was the case; if it was the case that Potter was advising them to go and get their shot guns and take them to the polls——

Q. Was it not stated that that was the case?—A. It might have been; I think it was stated that it was the case.

Q. On that theory, this proposition was made that they ought to be compelled to leave the county, wasn't it? Would you not call that an incendiary speech, with all the excitement and all the surroundings?—A. Yes, sir; but it was——

Q. But it was a Democratic incendiary speech, and that makes all the difference in the wide, wide world?—A. There is a heap of difference between that and a negro meeting.

Mr. EUSTIS (to the witness). Don't you mean by an incendiary speech——

Mr. SPOONER. He means what he says. Give him a chance to be original; we have had more of your meaning than of his.

By Mr. EUSTIS:

Q. Don't you mean by an incendiary speech a speech addressed to the colored people, advising them to unite against the white people and to draw the color line?—A. Yes, sir; that is the worst kind of speeches they were accused of making, though I do not say they made them. That is the worst speech that could be made.

TESTIMONY OF E. ROUSE.

E. ROUSE, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Q. What is your name?—A. E. Rouse.

Q. What is your age?—A. I am forty-six years of age.

Q. Where do you live?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in the county twenty years.

Q. What is your business?—A. I am a mechanic, and a dealer in oils, paints, and colors.

Q. What are your politics?—A. I have always voted independent; just as I pleased, regardless of party. I have voted for what I thought was the best man. I have voted for Republicans, Democrats, and Greenbackers.

Q. Do you know Mr. S. A. Hackworth?—A. Yes, sir.

Q. What is his general reputation and standing in that community?—A. Mr. Hackworth's reputation is bad, sir.

Q. Do you know Mr. Schutze?—A. Yes, sir.

Q. What is his reputation and standing in that community?—A. Still worse, I think.

Q. Do you know Mr. Moore?—A. Yes, sir.

Q. How does he stand?—A. Mr. Moore has always stood very well in our county up to this last election.

Q. What do you know about the sale of Mr. Moore's property?—A. I do not know much about it, except that it was said that it was for

sale, his property was, and that it would be bought. I bought a cow from Mr. Moore myself, and Mr. Robertson was around trying to get as big a price for the property as he could. I met him when he was talking about the property. There were six men standing in front of Tristram's drug store, and he spoke about a cow, and said he had sold all his cows except one, and he wanted to sell that one, and he said he would like to get Mr. Moore's price, what he asked for it, if he could. He said Mr. Moore asked \$25 for the cow, and he did not know whether it was worth it or not. I told him I thought it was a big price for the cow, the way cows sell in Texas, and he said it was part Durham, and I bought the cow eventually and paid him \$25. Mr. Robertson said the cow would give two gallons of milk a day, but when I got it home I never got any from it.

By Mr. SPOONER:

Q. Was it rich milk?—A. I didn't get any but about a pint a day, and I expected to have a cow that would give two gallons.

Q. Did you sell it?—A. No, sir; I have got it yet.

Q. I mean the milk.—A. No, sir; I don't sell milk at all; I keep it for my family.

By Mr. EUSTIS:

Q. Mr. Robertson was trying to get the best price that he could for it?—A. Yes, sir.

Q. Did you hear of any combination among the people there as to who was to buy these different articles of property at certain prices?—

A. No, sir; not at all. I saw Mr. Robertson every day while he was selling, and he was running around and doing his best to sell the goods at the best prices. I saw Mr. Mann also, and was talking to him about Mr. Moore's goods. I told him that I had bought a cow from Mr. Moore. "Well," he said, "I am glad you bought it anyhow." He says, "I expect he needs money, and it will help him out anyhow."

Mr. SPOONER. That is startling. Have you much more of that for the use of the committee?

Mr. EUSTIS. It destroys the theory of a conspiracy at any rate.

The WITNESS. I bought that cow for a good Durham——

Mr. SPOONER. Did that cow have two horns or one? It was not a cow with a crumpled horn?

The WITNESS. I think that is an irreverent question; it is not a courteous question, and it is not the same as you would want to be treated if you were before the courts of the country.

Mr. SPOONER. I am not deriding you at all. Didn't I put that question to you courteously?

The WITNESS. I say it is an irreverent question, such a question as that.

Mr. SPOONER. Well, I haven't very much reverence for the subject, and you must excuse me for it.

The WITNESS. I presume you have not.

Mr. SPOONER. I do not think it is very important about this cow and how much milk she gave and the quality of the milk and all that.

Mr. EUSTIS. It was intended to meet the absurdity of the statement that there was any conspiracy to buy these things at a depreciated price.

Q. Were you at the Eldridge Hall meeting?—A. Yes, sir.

Q. What was the character of the speeches made there?—A. Colonel Giddings made a very conservative speech, Judge Kirk made a little speech, and so did Mr. Haynes, and Mr. Felder also, from Chapel Hill.

Q. There was a good deal of excitement there?—A. Yes, sir; a good deal of excitement.

Q. What was the cause of that excitement?—A. Well, it was talked of that the negroes were uprising in the lower end of the county and that Dewees Boulton had been killed.

Q. Killed by a negro?—A. Yes, sir; and this meeting was called in the interest of law and order.

Q. Was it not also believed there that the negroes had been armed at this Flewellen poll?—A. Yes, sir; it was.

Mr. SPOONER. Why not let him tell?

Mr. EUSTIS. I ask him his general belief as to the cause of the excitement.

The WITNESS. I prefer to answer questions rather than to tell in a rambling way about it.

Q. You say that was the cause of the excitement?—A. Yes, sir.

Q. And the excitement was very intense, was it?—A. Yes, sir.

Q. And the speeches made were conservative speeches?—A. Yes, sir.

Q. Did you hear Judge Kirk's speech?—A. I did.

Q. What was the purport of it?—A. Judge Kirk in his speech said, speaking about the canvass and how bitter it had been, that he could name the parties that had been making these incendiary speeches, or whatever you call them, and he was called upon several times to name them before he named them. Finally, he named Mr. Moore, Mr. Potter, and Mr. Hackworth, and somebody else suggested the name of Mr. Schutze; I believe it was Mr. Tristram. He then said he had understood that Mr. Potter had been saying that they would resort to the shotgun policy, and if such was the fact he thought that a committee ought to be appointed to wait upon Mr. Potter and notify him that he must quit making such speeches or leave. That was about the sum and substance of it as far as I can remember. Colonel Giddings got up and said that was not necessary at all; that despite all this trouble and the stealing of the ballot-boxes he was satisfied that they were honestly elected, and to obey the laws of the country.

Q. He was satisfied who was honestly elected?—A. The People's ticket.

By Mr. SPOONER:

Q. Was there any talk there about the contesting of the election, and threats of the Republican leaders to contest the election?—A. I do not recollect that there was; I believe there was some little talk of it.

Q. That was condemned by the meeting, was it not?—A. Yes, sir; the stealing of the ballot-boxes.

Q. I do not mean that.

The WITNESS. Do you mean was this contesting of the election condemned by the meeting?

Mr. SPOONER. Yes.

A. Not that I am aware of.

Q. Was not that regarded as incendiary language on the part of the Republican leaders, Hackworth and these men?—A. Well, no, sir.

Q. To talk about contesting the election?—A. No, sir; not that I am aware of.

Q. What else was said at that meeting?—A. I do not know particularly. It was a meeting where people were advised to be quiet and satisfied; that everything would be all right.

Q. Do you know anything about those negroes being hung?—A. No, sir; I do not, except that we heard they were hung.

Q. Do you know of any efforts having been made to discover the men who hung them?—A. I do not know that there were.

Q. Do you know any of the men who hung them?—A. No, sir; I do not.

Q. Do you know anybody who was engaged in it?—A. No, sir; I do not; I never run around of a night.

Q. It was reported that Hackworth, Moore, and Potter had made incendiary speeches?—A. Yes, sir.

Q. What kind of speeches?—A. Arraying the negroes against the whites.

Q. Was it understood there that they must stop making such speeches as they had been making in the campaign or leave the county?—A. I do not think it was.

Q. Was it not generally understood in Brenham, after the Eldridge Hall meeting, among the leading Democrats, the excitement being strong against these men, that they must stop making such speeches or leave the community?—A. I do not think it was. I heard many remark that they ought to be made to leave the country, some few.

Q. You heard a good many remark that they hoped they would leave the country?—A. Yes, sir; I have heard such remarks.

Q. You say that Mr. Moore had stood pretty well up to the time of the election?—A. Yes, sir.

Q. He stood very badly after the election, did he?—A. On account of the manner in which he conducted the election, he did.

Q. The excitement was as strong against Mr. Moore as against any of the men, was it not?—A. Yes, sir; I believe so.

Q. That was based entirely on his alleged conduct during the last campaign?—A. Yes, sir; partly so.

Q. What else was it based on?—A. He was not very popular amongst the people on account of his unfortunate disposition.

Q. You do not drive men out there on that account?—A. No, sir; but you asked me if there was anything else.

Q. I ask you if this excitement against him was not based on his conduct, or alleged conduct, in the preceding campaign, and you say it was partly. Now, I want to know on what else it was based?—A. I do not know. I do not think that was altogether one of the causes of it. Of course, that was one of the main causes or reasons.

Q. What else was there?—A. He stood very well with the people, but still he was unpopular.

Q. There are a good many unpopular Democrats there, too, are there not?—A. Yes, sir; of course there are.

Q. The excitement does not run so strong against them among the people, does it?—A. No, sir; they do not make themselves obnoxious by making such speeches.

Q. Then the trouble with Mr. Moore was entirely that he had made himself active and was alleged to have made these incendiary speeches, was it not?—A. Yes, sir; I suppose so. I never heard him make any of them myself. I never attended any of the meetings.

Q. The basis of the excitement against him was that he was alleged to have made these incendiary speeches?—A. Well, yes, sir; though he had had several difficulties with other parties.

Q. Did you ever have any difficulty with anybody?—A. I never had but one little fight in my life. I did have a fight once with a Jew, and I plead guilty and went up and paid my fine like a man.

Q. You were not any worse off for that, were you?—A. No, sir; I do not think I was.

Q. And the people there did not think any the worse of you for it, did they?—A. No, sir.

Q. Had Mr. Moore had some fights?—A. He had a difficulty there about three years ago with Mr. Harvin, and there had been bad blood between them for some time.

Q. What had that got to do with this excitement about election-time against him?—A. I expect that made him unpopular a good deal of the time.

Q. Was it with Frank Harvin?—A. Yes, sir; Dick Harvin's brother.

Q. They were simply personal enemies?—A. Yes, sir; I suppose so.

Q. And political enemies also?—A. Dick Harvin told me about three days after the election that he had gone to a meeting at Watersville the night before the election, and he said that Mr. Moore there had used language of a certain kind. He said that the Democratic party had charged Moore with using very bad language and with being very bitter and vindictive, but he said they never had charged him with being half as bad as he really was. Mr. Harvin did not tell me this as a secret at all; he just said that he had been up there. He was one of the principal leaders of the Republican party.

Q. Do you know Mr. Jodon?—A. Yes, sir, I do.

Q. Did you have a talk with him at Julius McFarland's bookstore about the middle of December in the presence of John Scholl, Jack Miller, Mr. Allen, Captain Burt, and Julius McFarland?—A. Yes, sir, I recollect being there.

Q. Did you say in that conversation to Mr. Jodon that you approved of the Democrats taking the offices, as you believed in a white man's government; that the white men paid the taxes of the county and ought to have the offices?—A. No, sir, I didn't say anything of the kind in that language.

Q. Did you say anything of that kind in any language?—A. Yes, sir, I did.

Q. What did you say?—A. I said that where there were ignorant colored voters and white tax-payers, I thought the white tax-payers ought to rule the country; that is what I said.

Q. Are you an American citizen?—A. No, sir; I am an English citizen. I have lived twenty-seven years in this country, twenty-three years in the State of Texas, twenty years of which I have lived in the city of Brenham or in the county.

TESTIMONY OF J. M. WESSON.

J. M. WESSON, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. J. M. Wesson.

Q. How old are you?—A. I am twenty-three years of age.

Q. Where do you live?—A. In Navasota, Grimes County, Texas.

Q. What is your business?—A. I am a lawyer by profession.

Q. Are you in the militia?—A. Yes, sir; I am captain of a militia company there.

Q. In November last were you and your company ordered to Graball?—A. Yes, sir.

Q. By whom?—A. I received a telegram from Adjutant-General King.

Q. Is he the adjutant-general of the State?—A. Yes, sir.

Q. What was that telegram?—A. I haven't the telegram with me, but as near as I remember it—

Mr. SPOONER. See if this was it; I guess it was:

AUSTIN, TEX., November 8.

Capt. J. M. WESSON, *Navasota*:

Put your company under arms and report to J. H. Roberts, secretary of the citizens' meeting. Preserve the peace at all hazards.

W. H. KING,
Adjutant-General.

The WITNESS. That is the telegram.

Q. How many men did you take with you?—A. Sixteen men of my company besides myself.

Q. You went to Graball at once?—A. Yes, sir; to Lott's store, very near to Graball—a mile and a-half on the other side of Graball.

Q. When did you get there?—A. I got there about half past 11 o'clock that night.

Q. What day of the month was it?—A. It was the 8th of November.

Q. To whom did you report?—A. When I arrived there I found some members of the citizens' committee. I did not go to Mr. Roberts's house; I sent some of my men there, though. We were distributed then among the houses of the citizens in the vicinity. I think three of the men went to one house, and they were distributed around in that way. There was no reporting done to any one that night, though I reported to Mr. Roberts next morning at a citizens' meeting held near Lott's store.

Q. You went there armed and equipped?—A. We went as militiamen to preserve the peace.

Q. What did you understand from Mr. Roberts or the citizens was the occasion of your going there?—A. I understood that they had been alarmed by reports from the negroes in the vicinity; that they apprehended trouble with them.

Q. What do you mean by trouble?—A. They apprehended that their houses would be burned and that they would be attacked.

Q. That the white people would be?—A. Yes, sir; the white people, the white Democrats of the vicinity.

Q. In other words, you understood there would be an uprising of the negroes in that locality?

Mr. SPOONER. He is an intelligent man; let him tell.

Q. I ask you if that is true?—A. Yes; that is what they apprehended or what they seemed to apprehend.

Q. And that is what you understood was the reason and occasion of your going there as the captain of a militia company?—A. Yes, sir.

Q. Ordered there by the adjutant-general of the State?—A. Yes, sir.

Q. How long did you remain there?—A. We arrived there, as I said, about 11 o'clock on the night of the 8th, and we remained there all day on the 9th, leaving about sundown, and returning to Navasota.

Q. You say you scattered your men around?—A. I scattered them around that night for lodgings. As I say, next morning we all got together and remained together while we were in the county.

Q. Where did you remain together, at what place?—A. As I said, they had a meeting near Lott's store, and we left Lott's store and went to Flewellen, where the killing of Boulton had taken place.

Q. How far is that from Lott's store?—A. I should judge it was about 4 miles. We got there about 10 or 11 o'clock the next morning

and remained there several hours, and then returned home by a somewhat circuitous route; it was sundown before we got out of the county.

Q. When you left, everything appeared to be quiet?—A. Yes, sir.

Q. And you considered that you had fulfilled your orders?—A. Yes, sir; I saw no further necessity for remaining.

Q. Did you make any report to the adjutant-general?—A. Yes, sir; in writing. I reported that I had gone to the county as directed and had returned, as I saw no further necessity for my staying there.

By Mr. SPOONER:

Q. You say you reported that you had gone to the county?—A. Yes, sir.

Q. And did you report that you saw no occasion for your staying there?—A. I reported that I saw no occasion for my remaining in the county any longer.

Q. You say everything was peaceable and quiet when you left there?—A. Yes, sir.

Q. Was not everything quiet and peaceable when you arrived there?—A. So far as I saw; beyond the alarm of the citizens I saw no demonstrations of violence on the part of any one.

Q. And nothing to warrant you in the supposition that such a thing had been thought of among the negroes, was there?—A. No more than the testimony of the darkies, which I considered unworthy of belief entirely.

Q. You went there from another county?—A. Yes, sir.

Q. It did not take you long to become satisfied that there was nothing in this apprehension of the people there?—A. I cannot say that I did come to the conclusion that there was nothing in it, but I felt satisfied there would be no more trouble; at least I thought there would be no more.

Q. There had not been any trouble, had there?—A. There had been these reports by the negroes.

Q. That was not trouble?—A. But it was sufficient to cause an apprehension of trouble.

Q. But you were not satisfied that there would be no more reports; the presence of your company did not prevent reports being circulated?—A. No, sir. What I mean is I consider that the display of force made by my company was sufficient.

Q. How many men did you have?—A. I had sixteen men under me, and I considered that display of force would be sufficient to prevent the darkies from making the attack, which I have no doubt they had talked about. Whether they seriously contemplated it or not I cannot say.

Q. You got there about what time?—A. About 11 o'clock.

Q. When did you leave?—A. We got to Navasota about half-past 9 in the evening.

Q. You had a pretty good time while you were there, did you not?

The WITNESS. Do you mean in Washington County?

Mr. SPOONER. Yes.

A. No, sir; I cannot say that we had any enjoyable time at all. It was raining, and we rode there through the rain.

Q. Of course, if the weather was not pleasant, you did not. You did not have occasion to shoot anybody?—A. No, sir; we never shot anybody.

Q. Nor arrest anybody?—A. No, sir.

Q. Nor make any hostile demonstrations with your sixteen men against anybody?—A. No, sir.

By Mr. EUSTIS:

Q. Had you ever been ordered out before for any such emergency as this?

Mr. SPOONER. That assumes that there was an emergency. You do not want him to swear that there was any emergency at all, do you?

Mr. EUSTIS. Yes; I do.

Q. I say have you ever been ordered out before in an emergency like this?—A. Not while I was captain; since I have been a member of the company the company has been ordered out on two occasions before that.

Q. With reference to trouble like this?—A. No, sir; both times to apprehend convicts that had escaped.

Q. Were you in uniform?—A. No, sir; we were not in uniform.

Q. Were you armed?—A. Yes, sir.

Q. What kind of arms did you have?—A. Springfield rifles.

Q. Did you have cartridge-boxes?—A. Yes, sir.

By Mr. SPOONER:

Q. I thought the uniform was slickers?—A. Yes, sir; that was the principal uniform; slickers and top-boots.

TESTIMONY OF B. S. ROGERS.

B. S. ROGERS, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. Ben S. Rogers.

Q. How old are you?—A. I am thirty-five years old.

Q. Where do you live?—A. In Brenham, Tex.

Q. How long have you lived there?—A. I have lived in Brenham a little over two years, perhaps three years, but I have lived near there for about twenty years.

Q. What is your occupation?—A. I am a practicing lawyer.

Q. Did you ever hold any office?—A. Yes, sir; I am county attorney of Washington County at the present time.

Q. How long have you held that office?—A. Since 1884.

Q. You were elected in 1884?—A. Yes, sir.

Q. And re-elected in 1886?—A. Yes, sir.

Q. Did you conduct the inquest over the bodies of the three negroes who were hung?—A. Yes, sir; I was present during the inquest.

Q. Were you present there in an official capacity?—A. Yes, sir.

Q. Under the law of the State?—A. Yes, sir.

Q. Representing the State?—A. Representing the State in the examination.

Q. Did you use all proper efforts to discover who the parties were who committed that act?—A. Every possible effort that I could use was put forward in that investigation to ascertain who it was who hung them.

Q. Did you take an active part in the last canvass?—A. Yes, sir.

Q. Did you hear any of those speeches made by the Republican leaders?—A. I heard a great many of them.

Q. Were they what you would call incendiary speeches, some of them?—A. I do not know that I would term them that. They made use of a great many expressions and declarations that had a tendency to discontent the negroes and make them dissatisfied with their condition.

Q. I mean did you hear any appeals made to their prejudices as colored people or to their fears as ignorant people?—A. Yes, their speeches had that tendency.

Q. Go on and state what you recollect about it?—A. I do not know that I could give what each or any of the speakers said particularly, except in a few instances perhaps. Some of the Republican speakers made use of the language that "the Democrats won't let you eat with them, won't let you sleep with them, won't let you visit their families, or sit in their parlors, or converse with their daughters, and I do not see why you should vote for them," and such expressions as that.

Q. What else do you remember, if anything, showing the general character of their speeches?—A. Well, they would go on and tell the negroes that the Democratic tariff was the cause of their situation, was the cause of their being poor, and the cause of their cotton being worth but 6 or 8 cents, and the cause of their getting a low price for the picking of the cotton, that it was occasioned by the tariff; also that the earthquakes we were having at Charleston at the time, were visitations of providence upon the Democratic party for their treatment of the negroes.

Mr. SPOONER. That was a joke, wasn't it?

Colonel GIDDINGS. No, sir; it was not.

Q. Do you know anything about that letter which was written to Judge Kirk and which has been put in evidence?—A. I do not, except that I saw it about the time he received it.

Q. Did you write it?—A. I did not.

Q. Do you know who wrote it?—A. I do not know; I have not the least idea.

Q. Do you know S. A. Hackworth?—A. Yes, sir.

Q. What is his general standing and reputation in that community?

The WITNESS. In the community at Brenham?

Mr. EUSTIS. Yes.

A. Well, I will say, from the way it is discussed there, it is bad.

By Mr. SPOONER:

Q. You are asked what his general reputation is. Do you speak of it prior to the excitement of the last election?—A. Yes, sir; I mean ever since I have known him.

By Mr. EUSTIS:

Q. It has not improved since, has it?—A. Not that I know of.

Q. What is the general character, standing, and reputation of Mr. Schutze there in the community?—A. As bad as it possibly could be in the community.

Q. What is Mr. Moore's reputation and standing?—A. I think he stands better than Mr. Schutze.

Q. Do you know anything about any threats being made against either of those gentlemen, compelling them to leave there?—A. No, sir; I do not.

Q. Did you hear of anything except what occurred at that meeting?—A. I did not hear that; I was not present.

Q. Did you hear among the leading Democrats there any statements or declarations made to the effect that they intended to expel those men from that community?—A. No, sir. The nearest I heard towards anything of that kind was when these men were going around the streets and making these statements. George Campbell told me that Mr. Potter had just told him that they had carried the election, and rather than

submit to being kept out of the offices they would resort to shotguns, or something of that kind. That was the only direct and positive assertion I heard on that point, but the rumor was that they were going around with that report among the negroes, and I had heard Democrats say if that was to be the result that such men ought not to be permitted to stay there; I do not know that any names even were called.

Q. That report did exist, then, that Mr. Potter had said they would resort to the shotgun?—A. Yes, sir; it was all over Brenham.

Q. In order to recover possession of those offices?—A. Yes, sir; if it was necessary to resort to arms or shotguns that they would do so.

Q. There was also a report that those things had been stated to the negroes there; do I understand you to say that?—A. Yes, sir; that was my understanding from what Mr. Potter told Mr. Campbell, that that was what they intended to do.

Q. Did you understand that he said that any negroes had been informed of that purpose?—A. No, sir; Mr. Campbell did not state.

By Mr. SPOONER:

Q. You were not at that Eldridge Hall meeting?—A. No, sir; I was not there.

Q. And know nothing about what transpired there?—A. No, sir; I do not, except from hearsay.

Q. How many men were understood to have participated in this hanging of the three negroes?—A. I do not know, sir.

Q. Was there no rumor about that?—A. Only from what I got from the negroes who were in jail when I interviewed them. They said there were two or three came in the jail and they thought from what they heard talking outside that there were fifteen or twenty outside.

Q. How many men were examined at that inquest?—A. Perhaps eight or ten; I do not remember the number.

Q. Including the negroes who were in jail?—A. Without them, more likely. There were five negroes in jail who were examined, I think.

Q. And you think eight or ten white men?—A. Well, there were three men that were at the hall, and John Rankin, the editor, and two or three colored men who came in town that morning along the road, I think.

Q. How long have you known Mr. Potter?—A. I have known Mr. Potter about seven or eight years, I think.

Q. Did you hear of any one else making the threat which you say was reported to you as having been made by Mr. Potter?—A. That is the only one I got it directly from.

Q. That rumor was creating a great deal of bitterness of feeling against Mr. Potter, was it not?—A. Yes, sir; it was talked about that he should not go around among the negroes creating such excitement.

Q. Did you meet with Mr. Potter frequently during that time?—A. Yes, I met him two or three times.

Q. Did you speak to him on the subject?—A. I did not.

Q. Did you ever ask him if he had said any such thing or was proposing to do any such thing?—A. I did not; I remarked to him one day soon after this—it may have been the same day—there were two negroes about half drunk, quarreling and about to fight, and he was standing there looking on, and I walked up and told each one of them to go home, and spoke to Mr. Potter about it and told him he should take steps where he saw negroes quarreling and creating excitement, to get them to go home, and use his influence in that instead of standing there and looking on and rather encouraging it, as I thought he was doing at the time I walked up.

Q. Would you consider him as encouraging it by looking on?—A. Well, he was smiling about it.

Q. Most always when a fight occurs on the streets there are a great many men who stop and look on, especially down South in a fight between a couple of darkies?—A. Yes, sir; it always attracts a crowd.

Q. You would consider it no more the duty of Mr. Potter than that of any other man who was looking on to interfere?—A. No, sir.

Q. Or not to smile, but to be solemn?—A. But these two negroes one would reckon——

Q. They were drunk, were they not?—A. Yes, sir; they were about half tight.

Q. Was any other man there?—A. No, sir; not at the time I walked up; these two were to themselves. Below them was quite a crowd also discussing the election and perhaps the trouble that was then between those two negroes.

Q. You never spoke to Mr. Potter and asked him whether he meditated a resort to arms?—A. No, sir; I did not.

Q. Or whether he was stirring up a feeling of insurrection among the negroes?—A. I did not.

Q. If you thought he was doing that you, as county attorney, meeting him from day to day, would have spoken to him on the subject?—A. I do not know that I would.

Q. You do not remember hearing that Mr. Hackworth, Mr. Schutze, or any other leading Republican there was proposing to resort to violence, do you?—A. This was the only direct case I heard of.

Q. And you didn't hear that direct?—A. Only through Mr. Campbell. I saw Mr. Potter when he left Mr. Campbell, and I walked up to Mr. Campbell and asked him something about what he and the old man were talking about.

Q. And then a few days after that you heard it reported that Mr. Potter had said they would hold the offices and resort to shotguns if necessary?—A. Yes, sir; I heard it repeatedly after that.

Q. And found it was the basis of great excitement against him. Do you know of anybody's asking him or speaking to him about the accuracy of that rumor?—A. No, sir.

Q. It was a time of great excitement?—A. Yes, sir; there was some excitement there.

Q. Based, very likely, on that report, wasn't it?—A. I do not know that it was.

Mr. JODON. Do you say that George Campbell said that Mr. Potter said in his presence that they ought to resort to the shotgun?

The WITNESS. Yes, sir; that is the way Campbell told it to me.

Q. You do not know of any uprising among the negroes, do you?—A. No, sir.

Q. Or any preparation to uprising?—A. No, sir; the only thing I heard in that direction was that there was a dispatch sent from Mr. Roberts to Mr. Dever, the sheriff, calling for aid.

Q. You have spoken about these incendiary speeches; you do not mean to characterize these as incendiary speeches, do you?—A. I do not know that that is the proper term for them.

Q. Did they differ from the ordinary Republican speeches you had been in the habit of hearing for years, except as to the earthquake part of it, which was new?—A. Yes, sir; I think they were a little worse than any I ever heard before.

Q. What was there specially bad about them?—A. They presented

such arguments as that to the negro, that the Democratic tariff was the cause of their situation.

Q. Is that the worse thing in your opinion?—A. Well, such as that.

Q. Is that the worse thing, in your opinion, that was said by the speakers?—A. I do not know that it was.

Q. It was as bad as anything, wasn't it?—A. Then, again, the speeches that were made by some of the negroes there that I spoke of awhile ago.

Q. I am talking now about speeches made by white Republicans.—A. They would not say themselves the very meanest things that were said; they would generally put a negro up to it.

Q. How do you know they put a negro up to do it?—A. By the working of the machinery.

Q. Do you know of any white Republican advising any insurrection among the negroes?—A. No, sir; I do not of my own knowledge.

Q. Or advising any violent or unlawful act among the negroes?—A. I do not of my own knowledge.

Q. There was a little of that sort of talk among the Democrats, was there not, at the negro meetings?—A. I did not get the sense of your question.

Q. What did you tell them at your meetings where you made speeches to these negroes; didn't you tell them about the beauties of free trade and all that sort of thing?—A. No, sir.

Q. You defended the Democratic tariff, did you not?—A. No, sir; I did not.

Q. What did you talk to them about?—A. I told the negroes that these men were lying to them and had been for twenty years, and I tried to prove it.

Q. Did you hear Judge Kirk make any speech?—A. I heard him make several.

Q. In which he told them that the Republican district judge, McFarland, divided off his court-room so as to have the negroes on one side and the white men on the other?—A. Yes, sir; I heard that.

Q. And that the negroes who came into the county judge's court, that is, his court, were treated just like white people, and were not compelled to separate?—A. Yes, sir; I heard that.

Q. And that it was so in your office?—A. I do not know that he said that.

Q. Didn't he say that the county judge's office and your office were always full of negroes, and that they were just as well treated as the whites?—A. He said something of that sort. I do not know that those were the words that he used.

Q. But that was the idea?—A. The idea was that a negro was not prohibited from entering the court-house and receiving the same attention that his business demanded that a white man would.

Q. And the idea also was that a white Republican judge discriminated against the negroes and compelled them to separate from the whites, while the Democratic county judge and district attorney did not; that was the idea, was it not?—A. No, sir; I will tell you precisely how it came about. Mr. Hackworth and Mr. Moore got up and charged that there was a discrimination against the negroes; that they were not allowed to enter the court room or the court house, or take seats in the offices, or come behind the railings, and that they might have icicles on the skirts of their women and they would not be permitted to warm themselves at the stove, and so on; and he said that Dever, the sheriff, had discriminated against the negro. They were using it as an argu-

ment against him as a candidate then; that he had required the negroes to take one side of the court house and the white people the other, and that they had contributed their taxes toward the building of the court house and were entitled to sit where they pleased. Judge Kirk and myself, in defending Mr. Dever on that score, told them that Judge McFarland had drawn that line in the district court room and that Mr. Dever, who also waited on the county court room, had not drawn the line there.

Q. So that all there was in it on either side was this: That in a campaign, talking to colored men, the Republican speakers told them that they were discriminated against by the Democratic officers?—A. And we told them they were not.

Q. And told them that they were discriminated against by the Republican officers?—A. Yes, sir.

Q. That was six of one and half a dozen of the other in regard to incendiaryism, wasn't it?—A. I do not know that that would be considered incendiary.

Q. You do not refer to that, then, as incendiary at all?—A. No, sir; those speeches were made every night for two months, those different speeches, and I paid very little attention to some of them, and some of them I listened to.

Q. You heard about the men who raided the ballot-boxes?—A. Yes, sir.

Q. Has any reward been offered for the apprehension of those men?—A. None that I ever heard of.

Q. Have any efforts that you know of been made to discover them, except those that you made at the inquest?—A. On the inquest, that is all that I have ever done so far; our grand jury has not had a sitting since that occurred.

Q. Well, there is only brought before the grand jury what the district or county attorney brings before it?—A. I do not know about that.

Q. The investigations are largely conducted before the grand jury assembles by the peace officers of the county?—A. Yes, sir.

Q. And then they lay before the grand jury such evidence as they have been able to find against the persons whom they ask to have presented?—A. And in addition to that they send for additional persons.

Q. Yes; if they know of anybody. But it is the rule that the county attorney, the sheriff, and the officers generally discharge such duties, and when an offense is committed it is their business to detect it if they can, and lay before the grand jury the commission of the offense with all the evidence they have been able to get pointing to the guilty persons?—A. Yes, sir.

Q. And you say that except what was done at the inquest you know of no efforts having been made to discover these perpetrators of the hanging?—A. No, sir; only inquiries.

Q. You do not know who did hang those men?—A. I do not; I have not the remotest idea.

Q. In regard to Mr. Hackworth, you say that his reputation was not good in the community?—A. That is the way it is discussed there in Brenham.

Q. Was not that largely due to the fact that he was a very active Republican and labored considerably with the negroes to keep them solid for the Republican ticket?—A. Not altogether.

Q. I did not ask you that; I say was it not largely due to that?—A. No, sir; I do not think so.

Q. It was to a considerable extent, was it not?—A. To some extent, I might say, yes; some people might say that, in connection with the remainder of his character.

Q. What else was there?—A. Well, his bad debt-paying qualities.

Q. There are a great many honest men who cannot pay their debts?—A. Yes, sir; but he don't do it when he can, so they say.

Q. Men are very often unable to pay their debts.—A. I am only giving you the opinion of the people at Brenham.

Q. Then you say his offense is that his financial credit is not good?—A. Yes, sir.

Q. What else?—A. That is about all that I have ever heard him discussed in relation to.

Q. Then the foundation of the bad character which you impute to him, and the sum of it is, his association with the negroes, his being an active partisan Republican laboring with the negroes, and his financial record?—A. And his past official acts also in the county.

Q. What do you refer to by that?—A. Well, he was in office there as justice of the peace and as presiding justice of the county.

Q. What had he done as justice of the peace?—A. I have heard that discussed in every conceivable shape.

Q. Had he done anything that created an adverse sentiment except in regard to the occupation-tax cases?—A. I do not know about those.

Q. What else?—A. Oh, those fellows around there talk about his laying tribute on the saloons there that violated the Sunday law and sold liquor on Sunday.

Q. You have been district attorney for a good while, and you never knew a man to undertake to enforce a Sunday law who was not very much lied about, did you?—A. No, sir; I did not.

Q. Well, what else about Mr. Hackworth?—A. I think that is about all I have heard.

Q. Of course he was indicted while he was on the board of county commissioners?—A. Yes, sir.

Q. And he was tried and acquitted?—A. I think he was acquitted on one indictment.

Q. And the others were *nolled*, were they not?—A. Yes, sir.

Q. He was not charged with personally stealing money in those cases?—A. I do not know what the charges were, as I was not living in Brenham at that time.

Q. My information is that they were charged with making expenditures in violation of the law.

Colonel GIDDINGS. He was charged with extortion also.

Q. What else?—A. I said that was about all I heard about it.

Q. Then, all in all, I think you will agree that the strong prejudice against him was political, will you not, because of his methods and politics?—A. I could not say that, sir.

Q. There are other men in your community who do not pay their debts?—A. Yes, sir. There are other men there who do not pay their debts; men in the community who condemn Hackworth for his close association with the negroes.

Q. But there are men in your community who do not pay their debts, besides Mr. Hackworth?—A. Yes, sir; lots of them.

Q. And men who do not stand any better socially than he does?—A. Yes, sir; some.

Q. There has been no such violent, bitter prejudice against them as against him?—A. I do not know but what there has been.

Q. Excuse me for repeating the question, but how long do you say you have lived in the county?—A. I have lived in Washington County since 1866.

Q. From the time of your advent into the county down to 1884 the general administration of the county had been Republican, had it not?—A. Yes, sir; so called.

Q. Except now and then some individual candidate was elected to some office?—A. Yes, sir.

Q. Do you know what the credit of the county was in 1884?—A. I think scrip was perhaps about 80 to 85 cents in 1884.

Q. Some of the witnesses have put it at 90 to 95.—A. Perhaps it was. I think I sold some at 80 to 85 cents.

Q. About what was it when the Republicans took hold; what was it when you first knew about it in 1866?—A. I do not know that I could state what it was for that year; it ran down as low as 20 or 25 cents on the dollar under their administration.

Q. When?—A. That was along in the seventies, I think.

Q. Then it increased right along?—A. No, sir, there was very little increase.

Q. There was a good deal of increase from 25 to 95 cents?—A. Yes, sir; but they did not run it then.

Q. In 1884, before the People's ticket was elected, was it not 85 to 95?—A. I think it was about 85 when we went into office.

Q. That came about under Republican administration?—A. I do not know that it did.

Q. It was while the general administration of the county was Republican, was it not?—A. Well, there were two or three Democrats in office; there was a Democratic treasurer, a Democratic prosecuting attorney, and a Democratic county clerk.

Q. But it reached 85, you think?—A. During all these years it ranged from 20 up to about 85 cents.

Q. How was it in the adjoining counties, do you know?—A. In our sister county, Austin, it was standing at par for several years.

Q. That has the city of Austin in it?—A. No, sir; Austin Count.

By Mr. EUSTIS:

Q. Do you remember when Mr. Hodde became a commissioner?—A. When Mr. Hodde became commissioner and there was a change in the board of commissioners that scrip gradually went up.

Q. He was one of the witnesses who testified here, was he not?—A. Yes, sir.

TESTIMONY OF WILLIAM THOMPSON (recalled).

WILLIAM THOMPSON was recalled and further examined.

Mr. SPOONER. I have come up to examine you a few minutes, as I understand you want to leave on account of illness, and I will make my examination as brief as I can. I was not present at your direct examination, and only want to examine you in regard to a single matter.

Question. I assume that you stated that in politics you are a Democrat?—Answer. Yes, sir; I said I generally voted the Democratic ticket. At this last election I did not vote the People's ticket entirely through.

Q. Your son-in-law is Mr. Lockett?—A. Yes, sir.

Q. C. C. Lockett?—A. Yes, sir.

Q. Mr. Lockett, as I understand it, was the Republican candidate at the last election for district attorney?—A. You are misinformed; Mr. Lockett was the Democratic candidate—they were independent candidates.

Q. Was he not on the Republican ticket?—A. I stated the fact yesterday, but I will repeat it again. I stated that Mr. Lockett and Mr. Ragsdale were both Democrats in politics. In this instance there was no nomination, and they were both candidates, independent, for the office of district attorney from Burleson County, and Mr. Lockett made every effort, and I reckon Ragsdale did, too, to get the Republican vote; I know Lockett did, and was on the Republican ticket.

Q. He was running as candidate for district attorney on the Republican ticket?—A. He was placed on the Republican ticket.

Q. Of course; he was running on the Republican ticket?—A. Yes, sir; at his own request.

Q. You had some talk prior to his being placed on the Republican ticket with Mr. Hackworth on that subject?—A. No, sir; I never had a conference with Mr. Hackworth; Dr. Lockett and Mr. C. C. Lockett did.

Q. Did you have a conference with Mr. Blount about his being put on the ticket?—A. Yes, sir; I had a talk with Blount, but not with Mr. Hackworth.

Q. Was Blount a leading Republican?—A. Yes, sir; he is a colored Republican.

Q. Was there some talk about your going on election day with your son-in-law to the Chapel Hill polling place to see that the votes were cast there?—A. I did go there with him.

Q. There was an agreement that you should go there?—A. The agreement was made that Dr. Lockett and Mr. Charlie Lockett were to get me to go down there.

Q. In order to see that there was no intimidation and that the polls were opened and votes were cast?—A. I think that was about the object.

Q. And it was on some such understanding that C. C. Lockett was put on the Republican ticket?—A. The arrangement was made between Dr. Lockett and Mr. Hackworth, I understand.

Q. But that was part of the arrangement under which he was put on the ticket?—A. My interview with Blount was at the request of Dr. Lockett, who carried me there, asking me if I would go down to Chapel Hill with Charlie Lockett, my son-in-law, on election day. I protested at first, but finally consented and went there on election day.

Q. Were the polls open there?—A. Yes, sir; at every place that I went the polls were open.

Q. Did you go to Chadwick's gin?—A. No, sir; I did not. I did not know there was such a polling box until Lockett returned in the evening and informed me of the fact.

Q. Did you have any talk, upon coming back from Chapel Hill, with Mr. Hackworth?—A. Not that I recollect; I think I talked with Mr. Moore a minute.

Q. Did you make any report as to what had happened at the Chadwick gin polling place?—A. I did not, for I did not know anything about it.

Q. Did you make any report as to what Lockett said had happened there?—A. No, sir; I did not see Lockett until night. I went down in

the morning in my buggy with Lockett and returned to Brenham on the train at noon, leaving Lockett at Chapel Hill. After I left he went to Chadwick's gin and found the polls were not open, but I was in Brenham.

Q. Your son-in-law went to Chadwick's gin and found that the polls were not open?—A. Yes, sir.

Q. Did he report to you at any time?—A. When he came down that night?

Q. That John Traylor, a Democrat, had threatened the negroes there that day with pistol in hand, or anything of that kind?—A. No, sir; I never heard any such report. I saw Traylor in the morning at Chapel Hill myself, and I never saw a quieter election in my life. The last man I talked to when I left Chapel Hill was Mr. Traylor.

By Mr. EUSTIS:

Q. Do you know Colonel Giddings intimately?—A. I think I do.

Q. Have you your offices near to each other?—A. I rent an office in Colonel Giddings's building, right in the rear of the bank—my cotton office.

Q. Have you or not often heard Colonel Giddings express himself as against violence and in favor of law and order?—A. Oh, there is no question about that fact. I probably had a dozen interviews a day, by chance, as Colonel Giddings was frequently outside of the bank and my business led me on the street often, and in passing we would probably have a few words of conversation, but I never heard Colonel Giddings express any other but the most conservative sentiments. I think Colonel Giddings deprecated what occurred in the county as much as I did, and I do not think it would be any difficult matter to establish the fact that I did deprecate that myself very much.

Q. Did you not congratulate him on the conservative spirit of the speech that he made at the Eldridge Hall meeting?—A. I did. I did not go to the meeting myself. I did not know when it occurred, in fact. I was in my office. But after it was held I heard it spoken of on the streets, and I went to Colonel Giddings and shook his hand, and told him I wanted to congratulate him on having made the character of speech that he did at that public meeting.

Q. Was not that speech, as you understood it, in harmony with his private conversations with you?—A. There is no doubt about that in the world. I never have heard Colonel Giddings charged with expressing one sentiment in public and another in private.

Mr. JODON. I want to ask you a question in regard to the conversation we had at Mr. Cone's store about three weeks ago. You were talking about this investigation, and so on. You stated then that the day that the mass-meeting met at Eldridge Hall you told some of the men who were in it——

Mr. EUSTIS. I do not want you to testify.

Mr. JODON. Well, do you remember any conversation with me?

The WITNESS. I recollect a conversation I had with Mr. Cone, and I don't know but what you were there. Mr. Cone complimented me frequently, just as I complimented Colonel Giddings, on the character of the conversation I had with gentlemen from the country who were in town. That is the only thing I recollect.

Mr. EUSTIS. Do you remember having any conversation with Mr. Jodon?

The WITNESS. It seems to me that I have an instinct recollection that Mr. Jodon was there when I had a conversation of that character.

Mr. JODON. Did you not state that you told some of the men who were in that meeting——

The WITNESS. No, sir, I did not, because I did not know and do not know to-day who were in there.

Mr. JODON. Wait, and perhaps you will remember it; right in front of his store did you not tell some of the men who were in that meeting that they would have to answer for the meeting and what had been done in that county, and Mr. Cone said right then that he thought you were running a good deal of danger in talking to those men in that way.

The WITNESS. No, sir; you entirely misapprehend the character of the conversation. It was probably the day after the election, as I was standing in front of Mr. Murphy's drinking establishment, one or two gentlemen from the country passed by (and my conservative character as a politician I expect would be acknowledged here), and I had a conversation with those two gentlemen; I don't recollect who one of them was, but I do recollect the other, and this conversation I had with those two gentlemen Mr. Cone heard, and he remarked to you that he thought I ran a good deal of risk probably in expressing the sentiments I did to those men that day.

Mr. SPOONER. What sentiments did you express?

The WITNESS. My sentiments were that I deprecated anything like violence in connection with the election. There was no hanging of the three negroes up to that time, but there had been reports I think of ballot-boxes having been captured and Boulton being killed. I think that was about the extent of it. I could not say whether it was the next day after the election or the day after.

The subcommittee then adjourned until Wednesday, March 2, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *Wednesday, March 2, 1887.*

The subcommittee met at 10.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF LEWIS R. BRYAN.

LEWIS R. BRYAN, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. What is your full name?—Answer. Lewis R. Bryan.

Q. What is your age?—A. I am twenty-eight years old.

Q. Where do you live?—A. In Brenham, Washington County, Texas.

Q. How long have you lived there?—A. I have lived in the town of Brenham about six years, but have lived in Washington County for twenty-four years.

Q. What is your business?—A. I am a lawyer.

Q. What are your politics?—A. I am a Democrat.

Q. Have you had any regular Democratic nominations in that county since 1884?—A. We have not. I will go on and state about that matter, knowing of course what you want, and it will save time. In 1884, just as the other witnesses have stated here, the condition of our county had been, from a few years after the war up to 1884, a peculiar one. The county had been mainly under Republican rule. I wish to state here that Washington County is a Republican county. It is understood that

on a strict party vote on national and State issues the majorities in Washington County range from 600 to 800 or 900 in favor of the Republicans. My recollection is that Garfield got a majority of some 800 votes over General Hancock in 1880, and Blaine's majority was some 600 or 700 over Mr. Cleveland. The statement was made by some one here yesterday that out of 5,500 or 5,600 votes in the county there was usually about 2,500 colored and about 3,000 white. Of the white vote we usually estimate 1,200 or 1,300 as the American vote and about 1,700 or 1,800 as the foreign vote, and in that foreign vote, as we call it, we include the Germans, Polanders, and Bohemians. The Bohemians generally vote the Democratic ticket, and there are about 200 of them.

The German vote is generally Republican with the exception of a few old Germans who came there prior to the war. The most of the Germans in our county have come there since the war and they are generally Republicans. They are these gentlemen we have here with us as witnesses. We had a commissioners' court, and from 1882 to 1884 Mr. Hodde was on that court; I forget who was with him. At any rate, there were two men, and they were a sort of check on what seemed to have been maladministration prior to that time. Things had been going on from bad to worse until finally we had such an existing state of affairs there that in 1884 a card was published in the Brenham Banner (I think Mr. Haynes, one of the witnesses here, signed that call among others) calling the citizens to meet in Brenham in the summer of 1884, prior to the election, irrespective of politics, in order to get out a ticket composed of the best men of both parties. That meeting was held. I know there were men there in that meeting, numbers of them, who were well known to be Republicans. Of two of those men who were in that meeting one was a candidate on the People's ticket at that time, and at this last election I believe they were on the Republican ticket, thus showing that it was an independent movement. The ticket was a People's ticket; there was no Democratic ticket put forward. Colonel Giddings and Mr. Eldridge, who was a witness here, and other men who are pronounced party men, believed in an organization of the party—the older Democrats, as we called them—denounced the whole movement and were not in sympathy with us. But it was carried forward by the young men of the county, who went into it with the German Republicans. A good many of the negroes also joined in the movement. At this same election Mr. Moore, who is here, was a bolter from his party. He did not get the nomination for sheriff and he made a split in the ticket and ran as an independent candidate, and that, I believe, assisted somewhat in demoralizing the Republicans; it was a sort of free fight or race.

Q. That was in 1884?—A. Yes, sir; to show that I will state that I voted for R. J. Moore, a negro candidate for the legislature, who was in sympathy with us in supporting the Citizens' ticket. I voted for Lewis Jones for constable in Brenham (he is a colored man) against two white candidates for the place, for which I got very heartily cursed by the friends of the white men, for voting for a negro Republican when both the other candidates were white Democrats; but what I thought was, that every man should vote as he pleased, and vote for the best men—the men who we thought were the best candidates before the people. We elected our officers on this People's ticket, and the result, I think, fully justified our course in the matter. In 1886 we got up a petition. I know that in Brenham I carried around the petition myself and got a good many signers to it. It was a petition calling upon these incumbents of the various offices, including among others Mr. Joe Hoffman

a Republican candidate for assessor (the one who was re-elected at the last election), and I signed that petition myself, and a number of Democrats did also.

By Mr. EVARTS:

Q. What was the object of that petition; what did you ask to have done?—A. The petition asked the present incumbents to stand for re-election. The object I had was (and many who signed it expressed to us the same statement) that as we were satisfied with the county administration of the officers as they then stood, taking it as a whole, we wanted to re-elect them; we thought we would ask them to stand for re-election again. Times were very hard in our county, and they were especially worse at each election because of the demoralized condition of the negroes, their leaving their work and failing to gather the crops in the fall. The excitement of the election had a bad effect in that way; they were out at nights attending political meetings, neglected gathering their crops, and they didn't give their work the same attention that they ought to. I know that some of the merchants there spoke of that; they had made advances to them which they could not repay, and the farmers said they hoped there would be a quiet election, so that the negroes would stay at home and gather their crops and attend to their business; that it would be so much better for the county. I know some of the Republicans spoke in the same way, business men who signed this petition. I know at this election several gentlemen told me, Captain Smith and Mr. Couch and other men who were the most pronounced Democrats and extreme men too, partisans, that they voted for Lockett on the Republican ticket. They said they did not consider that there was any politics in it, and there was no Democratic ticket in the field.

By Mr. EUSTIS:

Q. Mr. Lockett, I understand, was indorsed by the Republicans.—A. Mr. Lockett was the regular Republican nominee. Mr. Minkwitz was the one who had run before on the People's ticket, and who was called upon in this petition to run; was included in it.

Q. Do you know Mr. S. A. Hackworth?—A. Yes, sir.

Q. How long have you known him?—A. Ever since I can recollect, by reputation, and a good many years personally.

Q. What is his standing and general reputation?—A. It is bad, sir.

Q. In that community, you mean?—A. Yes, sir; it is bad.

Q. Do you know Mr. Schutze?—A. Yes, sir.

Q. What is his standing and general reputation?—A. It is bad.

Q. Do you know Mr. Moore?—A. Yes, sir.

Q. What is his standing and general reputation?—A. Mr. Moore, among the Republicans, that is, among the Germans, stood well. Mr. Moore stood well among the German Republicans, but among the Democrats his reputation was little better than the others; he conducted himself more decently, however. He had held offices that did not require the handling of any money. He was district clerk and was never charged with malfeasance or maladministration.

Q. Were you at that Eldridge Hall meeting?—A. Yes, sir.

Q. I refer to the meeting where it is claimed that resolutions were offered to expel these gentlemen from the community?—A. Yes, sir.

Q. Were you there during the speaking?—A. Yes, sir. I will do just as I did before, knowing the general questions you will be likely to put, and I will save you that trouble. All the points you wish to know I will state my recollection in regard to. Dewees Bolton was killed, and it had been reported that a number of negroes had gone armed to the

polls; that is the report as we first heard it. The testimony as we got it from the coroner's inquest was, that the negroes had gone to the polls at the Flewellen box; that is what we heard; that Bolton had come into the room unarmed and perfectly peaceable and quiet, and that he had been shot down by one of those negroes; that that was done upon the advice of Lonny Gilder and Ed. Lockitt, two white Republicans, who were identified with the Republican party—both of them would have been a disgrace to any party, for that matter.

Mr. EVARTS. That is not necessary; you are not asked about the character of anybody.

The WITNESS. Well, at any rate——

Mr. EVARTS. You have got through with that, have you?

The WITNESS. Yes, sir; that those men had advised them so to do. It caused an intense excitement among the white people of the county. It had been reported (I do not know this personally) that a great many inflammatory and incendiary speeches had been made by the Republican candidates and speakers during the canvass to the negroes. The feeling among the white people was, that this was the legitimate result of their doctrines and teachings.

Q. Of whom was it reported that they had made incendiary speeches?—

A. Mr. Hackworth, Mr. Moore, Gilder, and Lockitt, and others, it was said, had been going around talking and spreading reports. I know a gentleman of that neighborhood told me of things reported to him by the negroes; that they said there was a meeting called. Several parties came into town and we determined to call a meeting.

Q. You had something to do with getting up the meeting did you?

—A. I cannot say that I did; it was more Colonel Giddings, Captain Clay, and a few others who were determined to call a meeting and express the sentiments of the people about these things, to condemn what had occurred and, if necessary, to take whatever measures were thought proper. Then there were all sorts of rumors about negro uprisings and riots down there; rumors of various kinds were afloat. The people were excited and in some way the meeting was called and word was sent out to the various communities and there was a large meeting held, perhaps two or three hundred people met in Eldridge Hall. This was, I think, about Thursday or Friday after the election. In that meeting Colonel Giddings arose and his whole speech was one deprecating the outrages that had occurred. He denounced, in the most severe terms, the character of the speeches and course pursued by these various parties, the tendency of which he claimed was to excite the negroes and that it had caused what had occurred at the Flewellen box, the killing of Bolton. Our information then was that our ticket was ahead at Graball at the time that box was taken. He claimed that that box had been taken by the other side.

Q. What do you mean by "the other side"?—A. By the Republicans, those opposed to the People's ticket. I am not certain whether Colonel Giddings mentioned specially the taking of the returns from Lotts' Store; whether he did or not I cannot say. My recollection of the tenor of Colonel Giddings's speech is, however, that he condemned everything of that sort, no matter where it came from; that is the impression I now have of Colonel Giddings's speech—my recollection of it; that while he thought it came from the other side opposed to us, he condemned it, from whatever source it came. The bulk of that meeting was composed of men, or so we understood it at least, who supported the Citizens' ticket. Colonel Giddings's speech was eminently conservative, and the impression he made on me was certainly that he condemned any acts of violence,

no matter where they came from. He told the people that they were in an excited state of mind and that they ought to calm down, and not allow themselves to be aroused by the excitement, to let their passions get the better of them or to commit any violence themselves. He advised against anything of that kind. That had, as all, I think, have testified, a very quieting effect.

Harry Haynes was called upon to speak. I think it is due to Mr. Haynes to state, as fully as possible, just what he did say. He went on to say that when he first heard, at Independence, of this killing, that he felt very much outraged, and, as he used the expression, that his voice was for war; if all those statements he had heard about these incendiary speeches and this uprising, but especially this rioting, was true. The charge was made that they proposed to use violence to accomplish their purpose, I mean the Republicans did, but it had special reference to the negro uprisings which were reported to have occurred at the other end of the county. He said he did not know whether it was so or not; that it had not been confirmed absolutely. But he had come there to counsel peace and his voice was for peace, in case these things were not so. I will state in regard to that matter, that it had been reported that Mr. O. B. Potter that morning had made a remark on the street to some parties that he would advise the Republicans or the negroes (I don't recollect the term he used, but that was the idea, those in sympathy with himself) that they had been elected and proposed to have their offices, and that he advised them to take up their shotguns and resort to them and have the offices anyhow. Of course, in the excited state of feeling prevailing at that time, that caused much talk. I do not recollect who mentioned it, but that was mentioned in the meeting there, and talked about in the meeting, and it created a good deal of excitement that night, coming right on top of the other reports.

Q. What do you know about Judge Kirk having offered any motion at that meeting?—A. Judge Kirk was called on two or three different times before he responded. At last he arose and made a speech and went on to tell about the character of the speeches that had been made during the campaign. He said that there had been a great many inflammatory and incendiary speeches made, speeches denouncing the officers of the county by the speakers for the Republican ticket, and he characterized them as inflammatory and incendiary speeches. I think Judge Kirk mentioned the fact that it has been said by these parties, or by Mr. Potter, that they should take up the shotgun and assert their rights. He said he could name the very men, and several persons called out, "Name them, name them!" That was repeated two or three times, and at last, my recollection is, he named Hackworth, Moore, Potter, Lonny Gilder, and Ed. Lockett. Then Mr. Tristram said, "Don't forget Carl Schutze"; I understood him so; he got up and said something, and I understood him to say that. Judge Kirk said his idea was that this thing ought not to be tolerated, and we ought not to permit it any more. I understood that to mean that as the campaign was over it would not be allowed in any future campaign; that Mr. Potter's talk about taking up shotguns ought not to be tolerated.

Q. I understand you to say that there was no motion or resolution offered?—A. Judge Kirk made the suggestion; that is my recollection of the form.

Q. Was any resolution offered that these men should be notified to leave?—A. I am positive that there was no resolution offered, no motion.

Q. It was the expression of his individual opinion?—A. Yes, sir; the expression of his individual opinion. These resolutions were then pending before the meeting about the killing of Bolton, and Judge Kirk named these parties, and it was a sort of suggestion that if anything was done those men must be told that they must not continue that course. It was no motion, but simply a suggestion, leaving it open so that if anybody wanted to make a motion they could do so. Colonel Giddings then got up in the meeting and said, in keeping with what he previously stated, that no such action should be taken as that, and these cooler and better counsels prevailed. I know that several others were called on afterwards to speak. I myself was called on, but I said nothing more than simply to indorse Colonel Giddings in his views. I said that those were my views and I indorsed Colonel Giddings's views fully.

Q. Do you know anything about Mr. Schutze's leaving Brenham?—

A. Yes, sir. Well, I expect I had better just state about that. I observe he has mentioned about my coming to his office, and I will state about that. Mr. Schutze and I were opposing counsel in the case of Zapp against Amsler & Co., a case pending on appeal in the justice's court of Washington County. The court was then in session. Mr. Zapp, my client, lived about 20 miles from the county seat, Brenham. I had arranged with Mr. Schutze to set the case for 2 o'clock Friday afternoon, in order that he might come up and be there in time, as a convenience to him. Mr. Schutze first came to me and requested me to agree to a continuance of the case; that Mr. Amsler's father had died, and there was some important business that he had to attend to in the adjoining county of Austin, and that it would be a great convenience to him if I would consent not to force him to remain there at the trial.

Q. Fix the date of that if you can.—A. It was on Monday or Tuesday of that week that Mr. Schutze came to me.

Q. About what day in November was it?—A. It was the day of the night the negroes were hung.

Mr. JODON. That was the 2d of December.

The WITNESS. What day of the week was it?

Mr. JODON. It was Wednesday or Thursday; it was Thursday morning.

The WITNESS. So then about Tuesday or Wednesday, say the 30th of November or the 1st of December, Mr. Schutze spoke to me about this matter. I told him that I did not know that Mr. Zapp would come up; but I gave him to understand, however, that he would. We did not make any definite arrangement, but I said we would try and see if we could not have a trial. Mr. Amsler then came and asked me, as a personal favor, if I would not continue the case. After talking some time I told him yes, if Mr. Zapp would not continue it, that I would let them make a motion for a continuance and I would not object to it. Mr. Zapp came up on Friday and I told him they wanted it continued, and I persuaded him at last to allow a continuance. This was at the November term. He said, however, that he did not wish to return during the bad weather in the January and March terms of the court, and therefore that if they agreed to continue, to let it stand over to the May term of court and he would consent.

Q. Who said that?—A. Mr. Zapp, the plaintiff. Those were the terms on which he agreed to a continuance. So I walked over to Mr. Schutze's office and found Mr. Schutze sitting at a table, about half as long as this one. Mr. Hackworth was sitting at the end of the table, and

I think had his feet resting on the end of the table. I walked in and stated the object of my coming. Mr. Schutze consented and said it was all right with him, and I turned around and walked out. It is a long building—about eighty feet in length, I suppose—and he was at the rear of the building. It was divided off into a sort of hallway, and Mr. Schutze followed me out. However, first, as I started out, Mr. S. A. Hackworth, who was sitting there, called me out. I ought to say that Judge Kirk had received a letter that morning about which there was a great deal of excitement in town.

Q. You mean the letter threatening him?—A. Yes, sir; Judge Kirk had received a letter threatening to kill him, and that caused a great deal of excitement. He wanted to say to me, I being a friend of Judge Kirk's, and to say to Judge Kirk that he, Hackworth, or none of them (meaning, I understood, Schutze and others) had anything whatever to do with the sending of that letter, and knew nothing of it; and he went on to say that what he apprehended was, that if any harm should befall Judge Kirk, if some private enemy should kill or injure him, or any other man or friend of Judge Kirk's, that they would saddle it right on them. I told Mr. Hackworth very positively that we would certainly hold him and his crowd personally responsible if Judge Kirk, or any other man in sympathy with him, got hurt or was killed. He said he knew that, and he went on to say that he was not any fool to send a written notice if he intended to kill a man; that he would not send him any notice if he intended to kill him. I then walked out, and Mr. Schutze followed me into the hallway. He spoke about Mr. Hackworth and said that he had been trying to keep Hackworth down, but that Hackworth was inclined, so Mr. Schutze thought, to extreme steps and so forth—I do not know exactly what he meant by it. He seemed to think he was inclined to be indiscreet in his talk, writings, and so forth. He said that he had written a circular and had gotten out a letter in the Galveston News, and he, Schutze, thought that would serve to keep up the excitement, and so forth. At any rate Mr. Schutze wanted to know if I could not assist him in selling out his paper. This Volksbote, Mr. Muller's paper, was an opposition paper to Mr. Schutze's. Mr. Schutze said that he had a first-class press and that the Volksbote had no press; that he had new printing material, and that he thought the Volksbote needed the material, and that he would like to sell it out; that he wanted to go up to some of the Northwestern States. He went on and remarked that he had gotten into politics and become obnoxious to the community, had lost his business and wanted to go away and pursue the practice of law, to let politics alone and attend to his profession. He wanted me to see those parties and try to sell out his paper for him. I told him that I would see them——

Q. Right here I want to ask you a question. Did he represent to you that he was obliged to leave there on account of any threats which had been made against him?—A. No, sir; he did not say so. Mr. Schutze then said that his press was worth \$1,200; that there were ten or twelve different parties who had paid a hundred dollars each, and the fact was that those parties really owned the press, and that he wanted to put that in to help them get rid of it, because if he sold out his paper to the Volksbote of course they would have the press on their hands, and they were friends of his and he wanted to help them get rid of the press. He said the material was worth between \$750 and \$800, the printing material; he said it cost that, and my recollection is that he told me that there was a mortgage on it for \$500, with 12 per cent. interest, making about \$560; that is my recollection of the amount that he

told me was due on it. I went down and saw Mr. Hodde and talked with Mr. Muller, and they said it was not worth anything; that that was all the stuff was worth and they could not afford to pay that much for the press. Besides that, Mr. Schutze had stated to me that he claimed he had a thousand subscribers on his list and that each one of those he claimed was worth a dollar. When I spoke to Mr. Muller he hooted at the idea and said that he would not give him anything for his list; they claimed that it was not worth anything, but that is what Mr. Schutze claimed. I think he said he also had a \$100 worth of advertising.

Q. How much did he tell you he would sell the paper for?—A. He said that if they would take the whole thing and assume the indebtedness, if I would get Mr. Muller or the Volksbote to buy it, he would take \$300; that he would be willing to take that amount if they would pay off all this indebtedness. I saw Mr. Hodde and the others, and they said they did not want the material or type, but they would give \$150 for the paper—The Staats Zeitung—with the idea of buying out a rival, opposition paper. I went back and made that statement.

Q. To whom did you make that statement?—A. I told Mr. Schutze so.

Q. What did he say?—A. He said that he could not do that, and argued with me about it. He said he needed more money; that he could not leave on that, and all. I told him, "All right; that is all those gentlemen will do about it."

Q. Do you remember distinctly that Mr. Schutze told you that he had become obnoxious in that community?—A. Yes, sir; Mr. Schutze told me that he was going to quit politics—

Q. Let me finish my question. I ask you if you remember distinctly that Mr. Schutze told you that he had become obnoxious to that community on account of his being mixed up in politics, and so forth, and that he desired to remove from there to some other State in order to devote himself to his profession?—A. Yes, sir.

Q. And that at that time he gave that as a reason why he wanted to leave? He did not tell you that he was leaving on account of any threats which had been made against him?—A. No, sir; he did not tell me that. Now, while I am on that interview, I want to state about Mr. Hackworth's statement regarding me.

Q. I want to ask you, right here, whether you ever told Mr. Fricke that if Mr. Hackworth did not leave there would be three or four hundred men who would appear that day as a mob to molest and harm him?—A. No, sir; I never told Mr. Fricke or anybody else any such thing.

Q. Go on then about Mr. Hackworth.—A. Mr. Schutze as he was talking about it remarked that Mr. Hackworth, and I think he said Mr. Moore also, wanted to leave. My recollection is that he said that James L. Moore had an advertisement then in his paper offering his place for sale; but I am not positive about that. At any rate he said Mr. Hackworth was trying to sell; that he wanted to go down below to his colony. Mr. Hackworth had a piece of land in Fort Bend County, 65 or 70 miles below Brenham, called Hackworth's Colony, or The Colony, which he was selling to the negroes or colored people.

Q. What county is that in?—A. In Fort Bend County; and that Mr. Hackworth was talking about selling and going down in that section of the country. His main business I understood was the real estate business; I do not say positively that that was so, but that was what I understood. Mr. Schutze said that about Mr. Hackworth.

Q. That he wanted to go down there?—A. Yes, sir; that he wanted to sell out and move down in that lower country somewhere about where his colony was. I said to Mr. Schutze, "Why don't he do it?" And he said that Hackworth seemed to think that because the people were all so down on him in that excited state of affairs that they would not want to buy anything from him. I said to Mr. Schutze, "If Hackworth will leave the county, if he will promise me that, I will help him to sell his place; if he will let me know the price he asks for it I will assist him. You tell Mr. Hackworth to come out here and I will talk with him." He went in and Mr. Hackworth came out, and we walked into a room that seemed to be Mr. Schutze's dining room.

Q. At that time did Mr. Schutze represent to you that Mr. Hackworth felt obliged to leave on account of any threats that were made?—A. I did not so understand; no, sir. The idea was in their talk to me—there was nothing about leaving—that they were alarmed lest Judge Kirk or some man should be killed and it would be visited upon them. That was the talk; that was the whole thing all the way through in our talk. In talking with Mr. Hackworth that day, and with Mr. Schutze, the only apprehension was lest some man should happen to kill Judge Kirk or some other man, and then they knew they would be held responsible for it, as I had told them myself that they would be held personally responsible for any of that bloodshed. That was my understanding of any apprehension that they might feel.

Q. That was what you understood was the reason or cause of their apprehension?—A. Yes, sir; that is my understanding of it; of course I do not know.

Q. But that is what you understood from what they said?—A. Yes, sir. Well, Mr. Hackworth told me that what he apprehended was that some personal enemy of Judge Kirk—and he has a good many personal enemies, being a positive and an aggressive man—some personal enemy of his might take an opportunity of that kind to kill him for some supposed injury in the excited state of affairs at that time, hoping they would saddle it on Mr. Hackworth, Mr. Schutze, Mr. Moore, or some of those men. Well, Mr. Hackworth came in and I told him what Mr. Schutze had said, and he said yes, he wanted to sell his place and all, and Mr. Hackworth and I had a good deal of talk. He expressed his opinions about matters. He went on to say, Mr. Hackworth did, that he had deprecated any violence or trouble and had kept down the violent members of his party. He said that they had a great many foolhardy, hot-headed men on his side, and that he had advised them to be quiet. He took the credit to himself for having kept down and prevented any trouble or excitement, or anything of the kind. I told him that I was very glad to hear it.

Q. Did he fix any price on his property?—A. I asked him what was the price of his property, and he said it was worth \$1,200; he said the place was worth \$1,200. He said he wanted to go away. I asked him where he was going, and he said he thought he would go to Brazoria, a coast county near the mouth of the Brazos. He had a partner down there in the land business, named Smothers or Smithers, a colored man, who was editor of a paper there. He said he would either go to Brazoria County or Fort Bend County, but he thought to Brazoria. I told him all right; that I would do what I could; that I would try and sell it for him; that I would assist him all I could in getting his price for it. I went out and talked around and mentioned to several parties about it, and both of my partners, Mr. Searcy and Mr. Garrard, opposed it

bitterly, and said that I ought not to do it; that he would not leave. Their idea was——

Mr. EVARTS. It is hardly worth while for you to tell what your partners told you. What passed between you and your partners is not of any value to us.

The WITNESS. Will you allow me to state it to Mr. Eustis so as to know whether he wants to ask me the question or not; I do not want it taken down in the record.

Mr. EVARTS. I really want to come to some end of this matter. What passed between you and these gentlemen you understand very well is interesting to us, but what you said to one another is of no interest.

The WITNESS. I was going to tell about the charge which has been made that I was acting with the Democrats to run him off, and I want to show that it was my own personal responsibility and that the very man they claim I was acting for refused to go into it except on my persuasion; that is what I want to show.

Mr. EVARTS. I do not want to preclude you from saying anything that sheds any light on the subject; but that can be very shortly stated, that your friends declined to join you.

The WITNESS. I will just state, then, that they declined; I will not mention the names. At any rate they declined, at first, to go into it, and others said that the place was not worth that much money. I insisted upon it, and argued with them. I said that I thought Mr. Hackworth intended what he had stated; that he would go down to Brazoria County, and that if he would do so, as he had been a disturbing element in our county, if he was willing to sell out and go, take him while he was in the notion of it and let him go.

Q. At what time was that conversation held?—A. That was at the same time that the conversation with Mr. Schutze was held.

Q. I want to get the day of the month, about?—A. The negroes were hung on the 2d of December, and Judge Kirk got a notice several days after, and it was the day Judge Kirk got the notice.

Q. Then it was the 5th or 6th of December?—A. Yes, sir; I think it must have been the 5th or 6th of December.

Colonel GIDDINGS. That was dated the third.

The WITNESS. My recollection is that it was the day that Judge Kirk got his notice.

Q. Did you have any other conversations with Mr. Hackworth after, about his leaving?—A. I went out and could not get anybody to go into this thing, and went back and told him the people said the place was not worth \$1,200. Many said it was worth that, but I did not think I could sell it for that. Mr. Hackworth said "You can sell it for whatever you can get; I will leave it with you and you sell it for me." I told him I did not like to be put in that position; that I would not do that sort of thing, as my motives would be misconstrued. I told him I would try and get his price if I could. Then I asked him a direct question. I said, "Mr. Hackworth, some of my friends think you do not intend to leave if we buy you out. Is it your bona fide intention; do you give me your word that if we will buy you out that you will leave?" He said, "Yes, it is my bona fide intention to leave, and I will give you my word that I will do so." I went out then and persuaded some of my friends, I could not get them in other way, and they contributed so much. Then Mr. Hoffman suggested this plan, that he would buy the place; that Mrs. Hackworth, Mr. Hoffman said, owed him \$300 and that some of us could contribute and make up the balance, and the trade was consummated as stated by Mr. Hoffman.

Q. What Hoffman is that?—A. Mr. R. Hoffman, a merchant of our town, who has testified here.

By Mr. EVARTS:

Q. Do you mean Mr. Rinehardt Hoffmann?—A. Yes, sir.

By Mr. EUSTIS:

Q. How much did he pay for the place?—A. He paid \$1,150. When I came to examine the matter I found that Mr. Hackworth had bought property in 1870 or 1871——

Q. He offered the place for \$1,200?—A. Yes, sir.

Q. And he received \$1,150 for the place?—A. Yes, sir; \$150 was for back taxes due.

Q. But that was the consideration of the sale?—A. Yes, sir; we had some trouble about the deed and had to get a new deed from his vendors.

Q. Do you know anything about Mr. Moore's leaving?—A. The only thing I know in connection with that is that Mr. F. Kiber, who owned this vendor's lien and notes (and my recollection is that one of them was to fall due the 1st of January, 1887), told me that he intended to foreclose. The place had been a nursery; it is poor land, but had been fertilized. He said that the place had depreciated in Mr. Moore's hands very much; that Moore was not skilled in the nursery business, and had not taken care of it, and had injured the place very much while he had been on it, and he did not consider this as being worth very much more than the \$1,500 and interest, and he was going to foreclose and sell it out at the March term of the court. I represent him in his business matters, and he told me that he wanted me to do that.

Q. He said he wanted you to make a foreclosure of the property?—A. Yes, sir.

Q. And that the note became due in January, 1887?—A. Yes, sir; he said he was satisfied that Mr. Moore had not the money, and would not be able to pay it, and if it was not paid that he was going to foreclose.

Q. Do I understand you to say that he expressed the opinion that the place would not sell for more than it was mortgaged for?—A. Very little more, was his expression, than the mortgage. In fact, he said he preferred having the money to the place. Of course he needed the money.

Q. Do you know anything about the place yourself?—A. I do not know anything about the value of shrubs or anything of that kind.

Q. I mean on account of your expecting to have those notes for collection. You did not go and examine the place particularly?—A. No, sir; not at that time; I only know the talk of the people around.

Q. Could you form any estimate of the value of the place yourself?—A. So far as my knowledge of the property is concerned I know I did not consider it worth over \$2,500; I think that would be an outside figure, and for myself I would not give \$2,000 for it. If I was to buy it I would only buy it to resell, or something of that kind.

Q. Did you take any active part in this last canvass?—A. I cannot say that I did particularly. I was very much interested in the race, but there was less general interest taken in it than in any canvass that I can recollect.

Q. Did you hold any political position?—A. No, sir; I did not belong to any committee or anything of the kind and had nothing to do with it; made no speeches or anything of the kind. I was only interested in seeing that the People's ticket was elected generally, and had no more interest in it than a great many others.

Q. There has been testimony given here to the effect that the white Republican leaders in appealing to the fears of the colored people would tell them, in their speeches, that the Democratic party was responsible for earthquakes, and the low price of cotton, and all the evils that flesh is heir to. You are pretty well acquainted with the negro character?—

A. Yes, sir: about as well as any man who was raised with them all his life and nursed by them.

Q. Were not those speeches, in your opinion, calculated to create a strong prejudice among the colored people against the white people?

Mr. EVARTS. What, these speeches about the earthquakes and the market for cotton?

A. Yes, sir; as foolish as it seems, just such things as that. You take the ignorant class of negroes we have got, and they believe it.

Q. The question is whether it would tend to create a prejudice on the part of the negroes?

The WITNESS. Prejudice in what way do you mean?

Mr. EUSTIS. If anybody is responsible for the earthquake——

Mr. EVARTS. Tell us the facts, and then we can judge.

The WITNESS. I will say that I think they would believe it, and I should think it would create a prejudice; I know it would with me.

Q. Do you not believe, and is it not the general belief, that those speeches were made because it was believed by those who made them that they would produce that impression?—A. Yes, sir, I do. Understand me, I do not know that they were made.

Q. I say, assuming that they were made?—A. Yes, sir.

By Mr. EVARTS:

Q. Who circulated those stories that Republican orators had accused the Democratic party for the responsibility of earthquakes and the low price of cotton?—A. The candidates——

Q. I say who circulated those stories that the Republican orators had said these things about the earthquakes and the low price of cotton?

The WITNESS. Do you want the names of the individuals?

Mr. EVARTS. If you know, you can tell us.

A. I say the candidates on the People's ticket and persons who would go, others also who would attend those negro meetings. They were just talked of as a joke, but I do not believe that it was just a joke, a thing of that kind, and they could not appreciate the effect of it.

Q. Who were the men who circulated these stories that the Republican orators in the campaign accused the Democratic party of the responsibility for the earthquake at Charleston and the low price of cotton?—A. I do not understand.

Mr. EVARTS. Read the question.

The reporter read the question as follows:

Q. Who were the men who circulated these stories that the Republican orators in the campaign accused the Democratic party of the responsibility for the earthquake at Charleston and the low price of cotton?

A. I think I just answered it: that I got my information, of course, from men who were in sympathy with the People's ticket, who had gone to these meetings.

Q. Can you give the names of any persons?—A. Well, Mr. Rodgers, the candidate for county attorney.

Q. He said these things?—A. Yes, sir.

Q. Who else said these things, that the orators of the Republican

party claimed so and so?—A. Judge Kirk, and it seems to me that I have heard others say it, but I cannot tell.

Q. I do not want you to say anybody that you cannot identify, but those you can say.—A. I think I can safely say that they did, because I have heard them talking about it; they were the most active.

2. The county attorney and the county judge were the persons who circulated those stories.—A. Yes, sir.

Q. And they were on the People's ticket?—A. Yes, sir.

Q. What effect did those stories thus circulated by Judge Kirk and the county attorney Rodgers have on the votes of your people down there?—A. I cannot answer that.

Q. Very well, if you cannot, say so, and we will go on and do something else; I don't want to carry on a conversation with you.

Mr. EUSTIS. If the witnesses were correctly understood, Judge Kirk and Mr. Rodgers testified that they had heard those speeches made.

Mr. EVARTS. I am cross-examining him on his own views and not upon what has been said by other people. You can answer that.

The WITNESS. As to the effect? No, sir, I cannot. As to—

Q. Very well, that is enough. What effect did it have on your mind in regard to the election?—A. On my mind it had this effect: I just thought all that sort of talk was absurd and just showed the desperate efforts they were making—

Q. That who were making?—A. The Republican candidates—the candidates on the Republican ticket—the desperate efforts they were making to be elected when they would appeal in any such manner to an ignorant people who did not know any better; it had that effect on my mind.

Q. Did you not think it was a desperate effort of Judge Kirk and County Attorney Rodgers to circulate such stories to affect the elections in their favor?—A. No, sir.

Q. You did not?—A. No, sir; because I thought it was true.

Q. It may be that you thought it was true, but you expected to get Democrats to vote for the People's ticket by that talk, did you not?—

A. Well, yes, sir; of course, I suppose so; certainly; yes, sir.

Q. Did you believe at any time that Republican orators had made those charges?—A. Yes, sir; I believed that.

Q. You did.—A. Yes, sir.

Q. You did not think it was a joke, then?—A. Oh, no, sir.

Q. You did not?—A. No, sir. Anybody who knows the negroes and the kind of talk they gave the negroes, would know that. Anybody who knows the ignorant negroes of our county would know that they would believe anything of that sort from those people. We believe it because we know that the negroes will believe that sort of statement, and for that reason we believe that any sort of statement of that kind they make they will believe it. Understanding the negro as we do, we believe they would use that sort of means with them.

Q. Well, would that inflame them against the Democrats?—A. Yes, sir. I will explain—

Q. You say it would?—A. Yes, sir.

Q. Did you hear of any combinations to make riots on account of the colored people believing that the Democrats were responsible for the earthquake at Charleston?—A. No, sir.

Q. You did not?—A. No, sir.

Q. Did you hear of any riot gotten up because the negroes were made to believe by the Republican orators that the Democrats were responsible for the low price of cotton?

The WITNESS. Any riots gotten up?

Mr. EVARTS. Yes.

A. No, sir.

Q. The negroes were going to vote the Republican ticket anyway without reference to the earthquake were they not?—A. Not locally.

Q. The negroes were not?—A. Not all of them. On the local ticket we expected to get a large vote from the negroes; we had done so in 1884.

Q. Don't you know that before the election of 1886 it was known that the negroes were going to vote solidly?—A. No, sir.

Q. Had you heard so?—A. No, sir.

Q. You had not heard so?—A. No, sir.

Q. Did you expect they were going to vote the People's ticket?—A. Senator, I think you ought to allow me to explain myself. It is sort of yes and sort of no in this respect.

Q. That is exactly what I wish you to attend to.—A. Now take that question, for instance; I cannot answer that.

Mr. EVARTS. Say, then, "I cannot answer it."

The WITNESS. If you want to ask me in that way I will say to all those other questions, "I cannot say."

Mr. EVARTS. You will have an opportunity to explain anything that you wish to explain afterwards, but I propose to conduct this examination and not have you.

The WITNESS. Excuse me; I did not intend anything of that kind.

Mr. EUSTIS. Isn't it the usual course, after the witness has answered categorically the question, to allow him to explain?

Mr. EVARTS. The witness will have an opportunity to explain.

Mr. EUSTIS. When will he have an opportunity to explain?

Mr. EVARTS. When I get through with these questions.

The WITNESS. Excuse me; I did not intend anything of the kind.

Mr. EUSTIS. Are you going to ask him to explain, or shall I?

Mr. EVARTS. I have just said to him that he will have an opportunity to explain.

Mr. EUSTIS. When?

Mr. EVARTS. When I get through he can explain.

Mr. EUSTIS. I think he should explain each answer as he goes along. The point I make is that it places him under a very serious disadvantage.

Mr. EVARTS. Of course it places him under a disadvantage if he does not consider and reflect before he answers. I cannot anticipate that he will not reflect. I ask him a definite question, and want him to answer it, and then I do not want him to explain other things; that is the trouble.

Mr. EUSTIS. But he wants to explain the answer which he has given to a particular question.

Mr. EVARTS. Very well; I say he can explain afterwards.

Mr. EUSTIS. But is it not the usual course for him to make the explanation as he gives the answer?

Mr. EVARTS. Not on a cross-examination, it is not, at all.

Mr. EUSTIS. That is my understanding of it.

Mr. EVARTS. Of course he has to make his answer. I am desirous, if I can, to get at something definite about the matters that I am interested in inquiring about, and not to have it reduced into talk; that is my trouble.

Mr. EUSTIS. I will caution the witness, then, to state that he cannot answer the question.

Mr. EVARTS. If there is anything that he cannot answer he can say so, and it will be put down; that is all. Let the reporter read the last question.

The reporter read the question, as follows :

Q. Did you expect they were going to vote the People's ticket ?

The WITNESS. Do you mean were all the negroes going to vote the ticket or part going to vote it ?

Mr. EVARTS. You can answer anything you please to my question ; it is perfectly distinct.—A. Well, I cannot answer it.

Q. You say that at this meeting at Eldridge Hall there was some divergence—

Mr. EUSTIS. Take, for instance, that last question you asked. You asked him, did you expect "they" were going to vote the People's ticket, and he asked you what you meant by "they." Ought not the witness to understand what the question is ?

Mr. EVARTS. Yes, he ought to, and I supposed he did. I do not require him to answer yes or no.

Mr. EUSTIS. He asked you what you meant by "they," and you insist upon his answering a question that he does not understand.

Mr. EVARTS. I had a long series of questions about his explanation of the influence on the black vote, and "they" means, as he knows, the black vote.

Mr. EUSTIS. But if he asks you if by that you mean all the colored people—

Mr. EVARTS. He can answer what he pleases ; that some did and others did not, if that is what he means.

The WITNESS. That is it exactly. I misunderstood you. I understood that you wanted a yes or a no. I say now that I did expect some to vote our ticket, but the bulk of the colored people I expected to vote the Republican ticket.

Mr. EVARTS. Now you can explain anything more you desire, before I go further.

The WITNESS. With regard to that, I want to state this ; that especially on the vote on county judge we did expect, I did expect, and everybody expected, especially in that Graball and Washington precinct, Judge Kirk especially, to get more votes than any other man on the Citizens' ticket and to beat Schutze, because Schutze, it was said, when he was county attorney, what caused his defeat in 1878 or 1880 by Haynes was, that it was claimed by the negroes that he had indicted several hundred of them down there for gambling, and, they said, unjustly ; that many of them never had played cards, and they said it was a blackmailing scheme on them ; I do not know whether it is true or false myself. But that when the Graball delegation was in the county convention my understanding was (at the time the Republican convention met in Brenham) that they belted in a body from the convention ; whether that is true or not I do not know. I heard that, too, that the delegation from Washington and Graball bolted the Republican convention because Schutze was put on the ticket, and, therefore, we expected naturally that that would cause a split with them, as Schutze was very unpopular, and it would, of course, redound to our advantage. Whether it was true or not I do not know. I never went to their meetings ; never was at one in my life except one in Brenhan. But that was my reason for believing we would get some of the votes ; besides, we had a good many negroes there who vote anyway with us.

Mr. EVARTS. As my whole examination was confined to earthquakes

and the price of cotton, I do not recognize any particular application in your explanation. But, is there anything else you want to explain?

The WITNESS. No, sir.

Mr. EVARTS. Very well.

Q. Now, at this meeting at Eldridge Hall there was some difference of opinion expressed between Colonel Giddings and Judge Kirk?—A. Yes, sir.

Q. Was there a considerable discrepancy of views?—A. There was not a considerable discrepancy; there was some. There, in justice to those gentlemen, I ought to explain.

Q. You have been examined as to this and have given your views of each of them, and I am cross-examining you about it.—A. If you put it, then, in that way, I will say there was considerable.

Q. I do not want a repetition of what you have already testified to. What did Mr. Giddings desire to be done in regard to the state of feeling there?—A. He desired the adoption of the resolutions then before the meeting, condemning the killing of Bolton and the incendiary and inflammatory speeches which those resolutions said had caused the state of feeling which resulted in the killing of Bolton, and also said that the People's candidates had been elected, and that we should sustain them in holding the offices they had gotten, and he advised their being calm and not allowing the people—the hot-headed young men—to do anything indiscreet while they were in this inflamed state of mind.

Q. What kind of conduct of hot-headed young men was that which he deprecated?

The WITNESS. That he apprehended might be done?

Mr. EVARTS. That he apprehended might be done.

A. He did not say what.

Q. How do you describe it?—A. He did not say; he just said to be quiet and not do anything rash or improper.

Q. Had anybody else suggested what they might do or what anybody might do?—A. No, sir.

Q. At this meeting?—A. No.

Q. There seemed to be no foundation, then, for Colonel Giddings's remark in that behalf?—A. There is one of those things that you cannot get at, Senator; the people were very much excited; the idea of that meeting was that a man had been killed, had been murdered, as we had it reported to us, without foundation, a possibly unarmed citizen—

Q. That you have already told us.—A. I am explaining to you about this meeting.

Q. I do not want you to repeat it.—A. Now, then, the people, as it would be in any community, were intensely excited. You take a crowd of that kind of men and you do not know what they might have done if anybody had gotten up and said to hurt or hang anybody. If Colonel Giddings had told them to do almost anything, in the excitement, in that state of mind, you do not know what they might have done. Suppose they had gone on the street and it had been reported that Mr. Potter had made that remark about using shotguns, and suppose in the crowd a pistol had been fired off accidentally, a riot might have started in the excited state of feeling at that time. I understood Colonel Giddings's motive (and I know it was my own motive) was to allay the excitement that was existing at the time.

Q. Then if I gather anything from what you say, it is that there was such excitement in that community at the time that this meeting was held at Eldridge Hall that almost any degree of violence might be an-

anticipated if it was not properly allayed?—A. I think so, if it had got any head, had got any start.

Q. Now, what did Colonel Giddings do towards allaying that excitement?—A. Why, he just simply stood up—

Q. State, as near as you can, what he said.—A. He said that they must be conservative and be altogether law-abiding and not do anything.

Q. That you remember. I do not want you to make up your own speech.—A. Colonel Giddings just told them they must not commit any violence; that if anything should be done it would be wrong, and he deprecated that as much as the commission of this very crime that we had met there to condemn, any excess that the crowd might commit.

Q. What had been said at this meeting that could introduce or suggest the observations of a conservative character which were made by Colonel Giddings?—A. I do not think anything had been introduced publicly; it was just a feeling—you could feel it.

Q. I am only asking a question, which I beg you will answer.—A. There was nothing offered, nothing that I can think of or recollect.

Q. Now you have said—A. Excuse me; of course, understand me. Colonel Giddings was up twice. After hearing what Judge Kirk said, he arose the second time and said we ought not even to put in anything looking like a hypothetical proposition; that *if* certain speeches were made by these men, or *if* they did not cease making those speeches or threats that they would have to leave the county, or something of that kind.

Q. Very well. You know I cannot suggest to you what you should answer. I ask you to listen to my questions and answer them, and as you answer them they will be written down, and when you get through talking I shall then go on.—A. Very well; yes, sir.

Q. Now, you have said there was a considerable discrepancy between the views of Colonel Giddings and Judge Kirk at this meeting. What were the views that Judge Kirk expressed, giving as nearly as you can the purport of what he said, as you remember it?—A. Well, the difference was that Judge Kirk was rather in favor of amending the resolution, and suggested, as his view, to make it read as not only condemning those incendiary and inflammatory speeches and the statements made by Mr. Potter, but also to say that if those speeches were not stopped those men should then be notified that they could not remain in that community and keep up that excitement. Colonel Giddings was not for having that in.

Q. I have not asked you a word about what Colonel Giddings wanted; I asked you what Judge Kirk said, and you have given your answer. Now, if you wish to add anything to what Judge Kirk said, you may do so. I ask you to give the purport, as near as you can remember it, of what Judge Kirk said, and you made a certain answer, which is written down. Do you wish to say anything more?—A. No, sir; I do not.

Q. Do you know whether the date at which these people were required to leave was mentioned by Judge Kirk?—A. No, sir.

Q. Are you sure that he did not name some date within which they must leave?—A. It was to notify them to leave within twenty-four hours if they did not stop.

Q. That was his resolution as amended?—A. Yes, sir. I misapprehended you. You said the date; if you had said the time I would have understood.

Q. It was twenty-four hours, then, was it?—A. Yes, sir.

Q. Were any persons mentioned who would be required to leave within twenty-four hours if these things were not stopped—by Judge Kirk's resolution I mean?—A. The suggestion made by him was—

Q. I have asked you a simple question?—A. Hackworth, Moore, Potter, Gilder, and Lockett.

Q. One of the audience cried out an additional name, then, to put on that list?—A. Yes, sir, Schutze; Carl Schutze.

Q. Who was it that called out that?—A. Doctor Joseph Tristram, a German.

Q. You knew at the time that it was he who did it.—A. Yes, sir.

Q. Do you remember what he said?—A. He said, "Don't forget Carl Schutze."

Q. Didn't he say he was the worst of the lot, or something of that kind?—A. I did not hear it, if he said that.

Q. Was there anything said at this meeting condemning the outrages on the ballot-boxes at the polls, at these precincts where there had been outrages?—A. Yes, sir.

Q. Very well, that is enough for that. Who said anything of that kind?—A. Colonel Giddings did.

Q. What did he say?—A. Colonel Giddings denounced it as an outrage.

Q. But what did he say? I do not mean the words; I do not expect the words; but what did he say? He did not speak about outrages in the abstract. What did he say about those actual outrages on the ballot-boxes?—A. He charged both of those as being done by the opposition to our views, as being done in the interest of the Republicans.

Q. In other words, he charged they were outrages by the Republicans on the ballot-boxes?—A. Yes, sir.

Q. Did he say anything in condemnation of any outrages on the ballot-boxes which had been perpetrated by the Democrats?—A. No, sir; I do not think he did; I did not know that any had been committed at that time.

Q. Then, at that meeting you think the opinion in regard to the outrages upon the ballot-boxes in the precincts which have been described and about which there is no dispute, was that it was done by Republicans against the Democrats?—A. That was the opinion with most of us.

Q. On that Friday after the election?—A. Yes, sir.

Q. On what rumor or fact did any such suggestion as that arise in your mind or anybody's mind, that it was the Republicans who had committed the outrages on the ballot-boxes?—A. I will take up the Flewellen and Graball boxes and all. In regard to the Flewellen box the report with us was, and so we understood the testimony given on the inquest over Bolton's body, that he had come in there—

Q. I am not talking about what occurred; you have already described about Bolton's coming in.—A. The rumor was that a man, Dewees Bolton, a good citizen of our county, had been shot down when he came in quietly to witness a count of the ballots; that it was done by eight armed negroes placed there by Lonny Gilder and Ed. Lockett, two of the most disreputable young men in our county; that they had been placed there to shoot any white man who came to the box; that they shot Bolton when he came into the room quietly, without any attempt whatever to commit any violence, and came in for the purpose of witnessing the count of the votes; that the ballot-box was still there the next morning; that the ballots were scattered around over the room and yard, showing that Bolton was left lying there, all of which gave

the lie to the charge made by the other side that a crowd had gone there to raid the ballot-box. That was as to the Flewellen box. As for the Graball box, our information was, and the face of the tally-sheet showed, that Judge Kirk was 11 votes ahead of Schutze, and that is where the exciting contest was, on the county judge, and there was very little difference between the votes on the other tickets. That was the information we had at the time.

Q. That is a repetition of what you have already said.—A. That is the rumor; I understood you to ask for the rumor.

Q. I did not ask you for that. Now we will go on. Were there any other grounds for that opinion except what you have already stated?—A. No, sir; no other.

Q. Before the polls closed on the day of the election had you heard in Brenham that the election in those precincts had gone heavily for the Republicans?—A. No, sir.

Q. You had not heard it at all?—A. No, sir.

Q. Do you now know that that was the report in Brenham that afternoon?—A. I only know it, mainly, from having heard some of the testimony of the witnesses who have testified here.

Q. You say "mainly"; what had you heard?—A. I say from hearing them.

Q. If you had left out the word "mainly" it would have done very well. Do you want to strike out the word "mainly"?—A. Yes, sir; I think that would be a correct statement of my idea.

Q. You did not know that there was a rumor in Brenham that afternoon, that the election in those precincts was going heavily for the Republicans?—A. No, sir.

Q. You did not know of that until you got here to Washington and heard it?—A. I think not until I got here, unless I heard some of these men talk about it; but I think not.

Q. Until this investigation began?—A. That would state it correctly, I think.

Q. You were not very active in politics there at that election?—A. I could hardly say. I took a good deal of interest in it in a way; but then, as I said—

Q. But not enough to know or care how the election had gone that afternoon in those precincts?—A. Oh, yes, sir; I took some interest; I had some interest in it.

Q. But not enough to circulate about and find out how it was going?—A. Oh, yes, sir. One or two parties came in from down there, and I know one or two of our workers came in from Washington.

Q. What did they say?—A. One of them said he thought the vote was about even at the town of Washington.

Q. What about the other places?—A. We did not have any news from there.

Q. Do you know a man named Tom Whitman out there?—A. Yes, sir.

Q. A policeman?—A. Yes, sir.

Q. Did you know that he had been at those precincts, some of them out there in Washington or Flewellen, and had come into Brenham and given his views about the state of the polls?—A. No, sir; I do not recollect now about Tom Whitman's coming in. I saw him afterwards, but I do not recollect seeing him that day or knowing about him.

Q. When did you see him afterwards?—A. It may have been the next day, or two or three days afterwards, very likely, that I saw him.

The idea is, I did not see him, and I do not recollect anything about any statement or report that he made from down there.

Q. You do not remember any?—A. No, sir.

Q. Do you remember his reporting in Brenham that the election was going there for the Republicans; that the negroes were voting, or that they could not do anything with them, and that he had come away?—

A. No, sir; not that evening.

Q. Did you ever hear that from him?—A. Afterwards I heard him state that nearly all the negroes had voted one way.

Q. When?—A. My recollection is that he told me some days afterwards, when we were discussing about it.

Q. I only want to know when it was.—A. It was that day.

Q. Within a day?—A. It might have been a week or a month, I could not say.

Q. Was it before the Eldridge Hall meeting?—A. I really could not say whether it was or not.

Q. Now, you say that this written notice to Judge Kirk created a good deal of excitement—a great deal, I think your phrase was?—A. A great deal of excitement; yes, sir.

Q. What character or indications of excitement, caused thereby, did you observe?—A. People were talking about it, old men. It was looked upon by the people as a direct thrust at the head of the county officials, and persons would talk about it and condemn it; just from their manner. I mean there was no public gathering, or anything but just talking around with persons and hearing them talk.

Q. Talking in an excited manner?—A. Yes, sir; talking in an excited manner about it and very strongly condemning it and expressing themselves very emphatically.

Q. What language can you repeat?—A. I do not know that I could repeat any.

Q. Did you express opinions about it?—A. I suppose I did; I know I did.

Q. Can you repeat what you said?—A. I know about the gist of it, what I told those gentlemen.

Q. I do not want you to give that; I want you to tell me what you said.—A. I said it was an outrage; it was in this way: that everybody was mad, and they said if Judge Kirk was hurt or any others—if they would be hurt, we propose to hold these men personally responsible for it, those who we thought were engineering it or backing it, or assenting to it or counseling it.

Q. Did people arm to protect themselves in consequence of this notice which was sent to Judge Kirk?—A. That I do not know; I armed myself.

Q. You did?—A. Yes, sir.

Q. In consequence of that?—A. Well, no, sir; I cannot say that; I misunderstood you.

Q. In consequence of what did you arm yourself?—A. When all this excitement was getting up about the negro uprisings and all that sort of talk the female members of my family were very much alarmed.

Q. When did you begin to arm?—A. Immediately after the election, the next day or two afterwards; about the day of that meeting when these rumors were arriving.

Q. Did your neighbors do the same?—A. I think so, but I do not know.

Q. Yours was not the only pistol or gun that was about there?—A.

I did not have mine with me ; I had it in my house. I never carried a pistol in my life.

Q. What allayed the alarm or excitement caused by this notice to Judge Kirk?—A. Nothing; it just went along after two or three or four days.

Q. It kept up?—A. Judge Kirk would not sleep in his room ; he slept somewhere else, and after several days the thing died out.

Q. Did you hear any speculations as to who was the writer of that notice?—A. Yes, sir.

Q. What was the talk there as to who wrote that?—A. There was a difference of opinion. On our side we thought a number of different persons ; most anybody who could write it.

Q. Who were they?—A. Some suggested Carl Schutze and the other side they said——

Q. I want only your side.—A. I think Mr. Schutze was the main one, because it was written in a sort of back-hand, something similar to his handwriting.

Q. Then no other Republican was named, was there?—A. No, sir ; not that I can think of now.

Q. Very well.—A. There was an opinion advanced, too, that perhaps Gilder and Lockett had instigated it or sent it, in order to divert the feeling against them, or something of that kind, the two men who——

Q. I do not want to delay on it. When I ask for a man's name I don't want any discussion about it. You say Schutze, Lockett, or Gilder?—A. That is on our side now.

Q. That the Democrats named or speculated about as the writer of that letter?—A. Many Democrats and Republicans who were sympathizing with us.

Q. The People's ticket?—A. Yes, sir ; the People's ticket people I mean.

Q. Now, what was the opposite opinion?—A. The only one I ever heard mention it was Mr. Ben Rodgers, the county attorney, the friend of Judge Kirk. They said he had written it.

Q. They claimed that he had written it?—A. Yes, sir.

Q. Who did you hear say that, or know of saying it?—A. I do not recollect. I have heard parties state that belief here on the stand.

Q. Of course. We do not want to know what has been stated here ; we know that.—A. That was what I understood was claimed by the other side.

Q. Do you think that came from Republicans ; wasn't that from Democrats?—A. I think it did, now, since you speak about it.

Q. Were not Mr. Bryan and Mr. Ewing suggested?—A. Yes, sir ; so-called Democrats.

Q. Were those the only other persons suggested as being the writers?—A. I never heard Ewing suggested, but Mr. Eddins told me just before we came up here (he was talking about our coming up here)—the question came up, and I think Mr. Eddins laughingly remarked and said, "I believe Ben Rodgers sent that to Judge Kirk."

Q. Eddins lately said that?—A. Well, that was just before we came up here, a month ago. Eddins is a strong personal enemy of Judge Kirk, and he did not like Rodgers either.

Q. Now, without knowing who wrote this letter to Judge Kirk, or whether it was written as a joke or seriously, or was written by an enemy of Judge Kirk, or whether it was written by a Democrat or a Republican, why did you say that if any harm came to Judge Kirk, Mr.

Hackworth and these other men would be held responsible for it?—A. I mean exactly what I said; that we would hold them responsible for it; that nobody was going to hurt them but somebody who was in their interest and was instigated by them. They hated Judge Kirk like they did the Old Scratch himself, and it could come from no other source but that. That is the idea I have.

Q. But whether right or wrong, whether they had anything to do with it or not, in that state of feeling if harm came to Judge Kirk these men would be held responsible for it?—A. They would have been, sir, undoubtedly; yes, sir.

Q. In what way would they have been held responsible?—A. I do not know, sir, in what way.

Q. What was in your mind?—A. I do not know; I had none in my mind.

Q. Do you mean they would be hanged?—A. I do not know, sir.

Q. Well, it might have included hanging?—A. Yes, sir; it might have been.

Q. Was not that the most natural result?—A. I do not know whether it would have been, but that is generally the way that a mob takes. If it had taken the form of a mob, that is generally the way in which they act.

Q. And it would have been a mob with which you would have sympathized?—A. If Judge Kirk had been killed I would have been with it, sir.

Q. And all the other good Democrats would have been with it too?—A. The Democrats, and as good Republicans, Senator, as there are in the State of Texas or anywhere else.

Q. You may put in all you please so long as you put in all the Democrats?—A. Yes, sir.

Q. And that would have been the state of things and the treatment given to these men if harm had come to Judge Kirk?—A. I think so; I am only giving my individual views.

Q. Of course we cannot get anybody else's opinion but yours. As far as you know, that was the general opinion among the Democrats there?—A. Yes, sir, as far as I know.

Q. And in your answers you speak of both Hackworth and Schutze?—A. Yes, sir; they were both present.

Q. And you told them they would be responsible, and you were serious about it, were you not?—A. I meant exactly what I said.

Q. You meant that if any harm came to Judge Kirk those men would be hanged?—A. I did not mean they would be hanged.

Q. Or shot; I will ameliorate it in that way?—A. I meant that they would suffer for it in some way. Of course, if they had happened to get away from them they could not do it.

Q. If you could not hang them or shoot them, of course you would have been excused.—A. I meant they would suffer the consequences.

Q. And you meant that would be very serious?—A. Yes, sir.

Q. But that would be about the shape of the thing, would it not?—A. Yes, sir; something of that kind.

Q. You talked seriously to these men?—A. Yes, sir.

Q. You had considerable conversation with these Republicans whom you have named. At the time you saw Hackworth and Schutze there together, as you stated, do you remember also seeing Mr. Hackworth alone in Mr. Schutze's dining-room, which is connected with or near part of the establishment there, I understand, and telling Mr. Hackworth this: That since your party, that is, the Democratic party, had a solid South, it wanted a solid State of Texas, and Washington County was

one of the few counties in their way, and they were determined to rule that county?—A. I said nothing of the kind, nothing like it.

Q. Did you have a conversation with Mr. Hackworth?—A. Yes, sir; I stated that.

Q. In the dining-room alone?—A. Yes, sir.

Q. And have already stated all that you said to him?—A. No, sir; I stated that we had a good deal of talk in the dining-room, but I did not pretend to say that I stated it all. But I said nothing like that.

Q. Did you express sentiments or views at that time in concurrence with those sentiments that I have asked you about?—A. I did not, except now. Will you allow me to add to my answer?

Q. Of course I am asking you.—A. The reason why I was willing help Mr. Hackworth leave was that I was in hopes when he left there would be no man left who could keep the ignorant, solid negro element together or lead them ahead; that we would be in Washington County at every election as in the adjoining counties of Austin, Fayette, Lee, and Burleson. There would be simply no politics in local offices, and the men would run on their merits and be elected because of their being good men and not because of their political affiliations. That is just what I told him. As I said before, it was a Republican county and always has been in State and national matters. I said that, and that was the nearest approach to anything of the kind.

Q. And you thought that if Mr. Hackworth left there, then on local politics the People's ticket would have their own way?—A. No, sir; my idea was that there would be a sort of free fight, or "race," as it is called in our county; that there would always be half a dozen men running for office, and the best man would get there—the one the people liked the best, irrespective of politics. That was the idea I had in my mind.

Q. And that he was the obstacle; and if he was out of the way, then that state of things you describe would exist?—A. Yes, sir; I considered him one of those shrewd, unscrupulous Southern politicians, that would——

Q. But you did not fortify that view by referring to the solid South and the desire to be solid in Texas?—A. Oh no, sir. Why, sir, we have a hundred and thirty-six thousand majority in Texas.

Q. I understand that.—A. No, sir, I did not, and I want to put in——

Q. I haven't the least opinion about what you said, I only wanted to find out.—A. And in justice to myself, as I suppose Mr. Hackworth will swear the other way——

Q. Do not talk about Mr. Hackworth; I am trying to get what you said. You think so far as this point of getting a solid county as you had a solid State, for the most part, and a solid South for the whole, is concerned, that that is a mere invention of his?—A. Yes, sir; it is.

Q. Entirely?—A. Yes, sir.

Q. Made up?—A. Yes, sir; out of the whole cloth.

Q. Had you, before this Eldridge Hall meeting which you attended, heard that Mr. Potter had published a disclaimer of ever having given any support to the charge that he was for a shotgun policy?—A. No, sir. My understanding was that it was stated that morning, just before, on the street.

Q. That he had discountenanced it?—A. No, sir; I had not heard that.

Mr. JODON. Just as soon as he heard it, that day, he had a card put in the newspaper.

Q. You say you had not heard of it—is that so?—A. Yes, sir; I had not heard of it before we went into Eldridge Hall.

Q. You did not hear of it there?—A. No, sir; he didn't have time. My understanding was, that the statement was made the morning of the day of the meeting.

Q. You had not heard that it had been disclaimed by Mr. Potter?—A. No, sir.

Q. Did you ever hear that he had disclaimed it?—A. It seems to me I did. I think he came out in a card, or something.

Q. How soon did that come to your knowledge?—A. Shortly afterwards, I think—it may have been the next day, or a day or two afterwards—something of the kind.

Q. Have you heard at any time of there having been a riot of the blacks, or the negroes, as you generally call them, I believe—a riot of the negroes down there before, at, or after the election of last November?—A. Yes, sir; that was the report immediately after.

Q. You had heard the rumors that you have stated?—A. Yes, sir.

Q. As a matter of fact, has it ever come to your knowledge that there was any riot before, at, or after the election?—A. No, sir.

Q. Have you ever heard, as a matter of fact, that there was any uprising of the negroes, before, at, or after the election?

The WITNESS. In Washington County, do you mean?

Mr. EVARTS. Yes.

A. No, sir.

Q. When and how soon did these rumors that were agitating and alarming the people of Brenham come to be probed and understood?—A. Well, immediately, I think.

Q. Immediately after what?—A. As soon as they began to get currency. My recollection is that Mr. Dever, the sheriff, went down that week—

Q. Never mind that; turn it over in your mind and tell me.—A. Well, immediately, about that time.

Q. About what time?—A. Well, there was no apparent uprising or anything of the kind, so far as we could hear, and things began to quiet down, and then there came a telegram from Mr. Roberts, a citizen of Washington down there, a very cool, conservative man, saying that trouble was apprehended and asking the sheriff to come with fifty armed men. That again renewed the excitement.

Q. That was a new matter; that was after your meeting?—A. Yes, sir; and that turned out to be nothing at all; that is, there was no uprising or rioting.

Q. About how many miles were you at Brenham from the place where it was supposed or rumored that there had been uprisings or riots?—A. I think it is 20 miles to Graball and about 16 miles to Flewellen.

Q. Is there any railroad communication?—A. No, sir.

Q. With any of those places?—A. With none of them at all.

Q. Is there any telegraphic communication?—A. No, sir.

Q. Is there any telegraphic communication with any of those places?—A. The nearest telegraph office to Graball is Courtney, about 4 or 5 miles.

Q. And so with the rest of them, were they within reasonable reach of telegraphs?—A. Flewellen was about 4 or 5 miles further from the telegraph office. Graball is just about half way between Flewellen and the telegraph office.

Q. It was a few miles from telegraphic communication? I do not care where it was.—A. Yes, sir.

Q. Any telephonic communications?—A. No, sir.

Q. And you think that the public mind in Brenham, on Friday after this election, still was agitated with the opinions and with the alarms of actual riots and actual uprisings which had taken place?—A. No; it was more of an apprehension.

Q. I am not asking about apprehensions for the future; I am asking about facts that had occurred; I want to get it one way or the other.—

A. I know they thought most anything. My own opinion was quite different. I know some who thought the same ridiculous thing about negro uprisings; I know they entertained some foolish opinions, but it was mainly among the female portion of our population.

Q. They were not at this meeting?—A. No, sir; but they were the ones who really commenced the alarm with the whites, with the men, the ladies of the community were.

Q. But they were not at this meeting?—A. Yes, sir; I expect they must have been.

TESTIMONY OF D. C. GIDDINGS.

D. C. GIDDINGS, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Question. Where do you reside?—Answer. I reside in Brenham, Washington County, Texas.

Q. What is your age?—A. I am fifty-eight years of age.

Q. Have you ever held any office?—A. Yes, sir.

Q. What office?—A. I was a member of the constitutional convention of Texas in 1866, and served three terms in Congress, in the House of Representatives, in the Forty-second, Forty-third, and Forty-fifth Congresses, I think.

Q. In regard to these outrages, the raiding on the ballot-boxes and so on, I want you to state what possible connection any of these disturbances have had with the Congressional election in 1886?—A. None whatever.

Mr. SPOONER. You do not mean that, do you?

Mr. EUSTIS. Yes.

Mr. SPOONER. All right, then.

The WITNESS. I mean this, that had the entire vote of Washington County either been counted out, or all been counted in for the opposing candidate, for Colonel Mills, he would still have been elected.

Mr. SPOONER. You do not mean to say that it did not have any connection with the Congressional result?

The WITNESS. I say it did not affect the result.

Mr. SPOONER. That is another thing; that is what I think.

Q. Was there any canvass or any excitement with reference to the Congressional election at all?—A. Colonel Mills made two or three speeches in the county. There was no other canvass, and no particular interest felt; that is, it was regarded that Colonel Mills was so far ahead of his competitor that he was in no danger, and that no necessity existed for exertion on his part or on the part of his friends; that he was entirely safe in the election.

Q. That was generally understood, was it not?—A. Yes, sir.

Q. Did you have anything to do in the late canvass?—A. No, sir; nothing at all. I took no part in the election. I will state this: I am a Democrat, and have believed in keeping up the Democratic organization and making a square fight, even if we got whipped. I took no part in the formation of the People's ticket in 1884, and made no canvass, and took no part in the election of 1886 except to go to the polls and vote, and was not out of my office more than five or ten minutes during the day.

Q. Did you ever, in private, to anybody, advise violence against Republicans?—A. Never on earth. I will state this, in relation to that Eldridge Hall meeting. The day those negroes were brought up, there were quite a number of men from the county who came into town, and some of them came into my office and made their statements, and among them was Squire Vernon, who held the inquest. I talked with him with reference to the testimony elicited on that occasion, and was informed they were going to have a meeting of the citizens, and I was asked to attend it, and was notified, probably not more than an hour or a half an hour before the meeting occurred. I was informed, and knew from my intercourse with those who came into my office, that there was a great deal of excitement. The belief there was (and it was universal so far as I know, I heard no contradiction of it) that young Bolton had gone to the polls simply to learn how his father was running. His father was candidate for county commissioner; and that he went there alone, unarmed, as a peaceable, quiet citizen, and that he had been shot down without any provocation whatever; and it was elicited in this examination that it was in pursuance of the instructions given to negroes in that community—

Q. He was shot down by whom?—A. By a negro named Polk Hill; and that it was in pursuance of instructions they had received from Gilder and Lockett, Republicans, who had been sent there to manipulate the vote during the day; that they had given the advice to the negroes to come to the polls armed and shoot down any white man who might come about there. It was described to me that he knocked at the door, and was told to come in by the proprietor of the house, and as the door opened that he was shot down right in the doorway, and without any sort of provocation; that he was alone; in fact I never heard anything to the contrary until I came here as to anybody being along with him; until it was testified to by witnesses on the stand. There was intense excitement, and I, in the interest of law and order, went to the meeting and advised the observance of law, and although this provocation was great, and although the character of the speeches that had been made, or represented to have been made, by these parties were, as I thought, outrageous, and made to ignorant, excitable, and credulous people as the negroes are known to be, still that the canvass was over, and, as we believed, the People's ticket had been elected, and that, too, without regard to any of the boxes that had been stolen or destroyed. Whether they had been counted or not it would not have changed the result. That was the opinion and belief there at the time.

I went to that meeting and took a leading part in it, advising, notwithstanding all of these things, notwithstanding the outrages that had been committed, that the people should be quiet, should observe the laws, should be guilty of no violence and no excesses whatever; and I gave that advice publicly, and one of the memorialists, I think, in a circular stated, in effect, that but for my speech violence would have been done to him and others probably that day. But I never gave any other advice either publicly or privately. I have always condemned

mob law in every instance and never yet have seen a case where I thought mob law was justifiable. I have always been determined in opposition to mob law or violence of any kind, and was on that occasion, and have invariably, publicly and privately, condemned it and advised our people to submit and rely upon the law and the remedies known to the law alone for redress, and any statement that I ever advised privately to the contrary is absolutely false.

Q. You are a man of property there, I suppose?—A. Yes, sir; I own some property.

Q. What is your business?—A. I am in the banking business and am a dealer in real estate.

Q. Has there not been a great deal of dissatisfaction there with the local Republican administration of affairs in that county?—A. There has been very great dissatisfaction. The administration of the local affairs of the county has been mainly in the hands of the Republican party for nearly twenty years, up to 1884; and during nearly all that time there has been complaint of frauds, speculation, and of robbery by the squandering of the people's money by these men and their associates in office, and attempts were made, generally futile, to bring them to punishment. And I state here that I do not believe that the unpopularity of these men is attributable to the fact of their being Republicans at all, but that it is mainly due to their private characters, and to the fact of their manipulating the ignorant colored vote, by which they placed themselves and other dishonest and incompetent men in office.

Q. You speak of that as the rule?—A. Yes, sir; as the rule. This movement of the People's ticket was gotten up mainly, I think, by Republicans. I took no part in it, did not attend the citizens' meeting that brought out the ticket of 1884, and did not sign the petition for the same candidates to run again. I went to the polls and voted for the men on the People's ticket that I thought were competent, and where they placed men on it whom I did not think competent I scratched them off.

Q. There has been some testimony here to the effect that the Republican candidates at the last election, the most of them I believe, were men of good character. Has not that, in your judgment, been brought about by the very fact that the People's ticket succeeded in 1884?—A. There was an improvement in their ticket, but I still think the People's ticket was vastly superior as to the qualification, capacity, and integrity of the candidates.

Q. You are acquainted, I suppose, with the prominent German business men in Brenham?—A. Yes, sir.

Q. Is that not the prevailing sentiment among them, that there ought to have been a change, regardless of party lines and regardless of color?—A. Yes, sir.

Q. A large number of them supported the People's ticket?—A. Yes, sir; I think so.

Q. Men who were Republicans?—A. I think the principal property-holders who are Republicans in and about Brenham supported the People's ticket, and many others through the county that I am acquainted with.

Q. What is the standing and reputation of S. A. Hackworth?—A. It is not good; it is bad.

Q. How about Carl Schutze?—A. That is also bad, judging from statements mainly by Germans. I know but little personally of Mr. Schutze. I never had any transactions with him, and had but little to do with him, but I know he is very unpopular with the Germans.

Q. What about Mr. Moore's standing?—A. His standing is bad also.

Q. Do you know anything about those men being obliged to leave, as they claim, on account of their being Republicans?—A. No, sir; I do not think they are obliged to leave on account of their being Republicans. I think they were what is termed there "Republicans for revenue only;" Republicans for the sake of getting office at the hands of the negro vote, and when they failed in that, in 1884, their occupation was gone. As they were eking out a miserable existence making a living, it would seem natural that they would want to change their location. They had lost caste with the best element of the Republican party, and they would very naturally want to leave; and understanding, as they doubtless do, that they would find support in the Senate of the United States, it was the opinion—it was my opinion at least—that they came on here purposely to pose as martyrs, with a view of recognition in a Federal position of some sort.

By Mr. SPOONER:

Q. They could not expect to get any very remarkable Federal position at the hands of a Democratic administration, even with a Republican Senate?—A. I do not know about that, but I know there are a good many Republicans holding positions under the Democratic administration.

By Mr. EUSTIS:

Q. You mean by "posing as political martyrs" that they would, by being persecuted as they claim, have some right of recognition in case a Republican President was elected?—A. Yes, sir; I think that is the sole object.

By Mr. SPOONER:

Q. There was a Congressional election in that county?—A. Yes, sir.

Q. And at each of the polling places in that county in 1886 Congressional candidates were voted for?—A. I suppose so.

Q. You know so, do you not?—A. I know there was at the poll where I voted, and I suppose at all the polls.

Q. Mr. Mills ran some seven or eight thousand behind his ticket in the district; that is, behind the votes he had had at a former election?—A. Yes, sir; there was a falling off in his majority, but not in that county.

Q. Who were the candidates on this People's ticket for county officers?—A. Judge Kirk for county judge, Mr. Dever for sheriff, a Republican named Schlenker for tax-collector, Mr. Minkwitz for treasurer (who I understand to be a Republican; it is testified here by other Germans, who know him more intimately than I did, that he was a Republican; he is a non-partisan, and I do not think he has ever taken any particular stock in either party); there was Mr. Herbst, a German, for district clerk, and I cannot recall all the names of the others.

Q. What Republicans were on the People's ticket?—A. There was Mr. Schlenker for tax-collector; Mr. Minkwitz (if he is a Republican; I do not speak of that; I do not know what he is; it is testified here by Germans who know him more intimately than I do that he was a Republican; I do not know him myself); there was J. R. Moore, a negro, for representative in the legislature, who I take it for granted was a Republican, though I do not know anything about it; there was another negro for constable in Brenham, and Mr. Hoffman was invited to run on that ticket by petition, but declined to run, and ran on the Republican ticket.

Q. What Republicans on the People's ticket did you vote for?—A. I

voted for Mr. Schlinker and I voted for Mr. Minkwitz. I did not vote for Moore nor for the other negro—I don't recollect what his name was.

Q. Do you mean to say that for twenty years the Republican ticket in the county was made up of dishonest men?—A. Well, there were a good many dishonest men on it.

Q. That is not my question.—A. Well, mainly judging from their administration of county affairs.

Q. Why did not the people rebel earlier than 1884 if their moneys were wasted, and there was constant speculation going on, and public officers were constantly stealing the public money; why did not the people of Washington County, the taxpayers, wake up to a realizing sense of that fact before twenty years had expired?—A. Well, it is remarkable.

Q. It is funny, aint it?—Yes; it is remarkable.

Q. I think so.—A. It is owing to the fact that the people of Washington County are the most peaceable, patient, and law-abiding people I ever knew. I do not believe there is a county in the west, the north, or the east that would have submitted to the character of administration they have had in Washington County at the hands of the Republican party one year, instead of twenty.

Q. But with all the speculations, and robbery, and public indignation, and everything of that kind, though it had been increasing and constantly growing for twenty years, if all the ballots that had been cast in 1886 were counted, the majority for the Peoples' ticket, on your own theory, would not have been very great, would it; it would have been a pretty close result in the county?—A. No, it would not; but the vote on one side was composed mainly, or most entirely, of ignorant negroes, and on the other side of property holders and the intelligent people of the county.

Q. Didn't they claim that six or seven hundred negroes voted the People's ticket?—A. I do not know what the claim is.

Q. Didn't you run a negro on your ticket for the legislature?—A. Yes, sir.

Q. Was he a taxpayer?—A. I do not know about that, whether he pays taxes or not.

Q. How did you happen to pick up an ignorant non-taxpayer—a colored man—and run him for the legislature?—A. It was not my ticket.

Q. It was the People's ticket?—A. Yes, sir; it was the People's ticket.

Q. The majority anyhow, even as you counted it, was not overwhelming, was it?—A. No, sir.

Q. In 1886, I mean.—A. No, sir.

Q. So that the revolution in public sentiment and the revolt of the people because of this twenty years of fraud, speculation, and misrule—
A. The revolt, you must recollect, was on one side; that is, it was among the intelligent and decent people of the county, and was opposed by the ignorant mass of negroes.

Q. Then, you mean to say that the men who voted for the People's ticket were the intelligent and decent men of the county, and the men who voted the Republican ticket were the opposite; is that your inference?—A. Yes; as a rule.

Q. Do you intend to be so understood?—A. Yes, sir.

Q. How many white men voted the Republican ticket?—A. I can make no estimate, but I do not think there were very many outside of those officials and those seeking offices for themselves and their friends.

Q. There were not many of those officials?—A. Well, they and their surroundings, their friends.

Q. How many Germans voted the Republican ticket?—A. I do not know.

Q. Then if you do not know who voted the Republican ticket and who did not, how do you come to classify, justifiably, the men who voted the People's ticket as the *bon ton* of the county, and the people who voted the Republican ticket as the scabs and low-down people?—A. It shows that there is a majority of the negroes in the county, and we all know that the mass of the negroes vote the Republican ticket.

Q. Were not negroes put on your ticket in order to gain negro votes?—A. I do not know.

Q. Isn't that why you guess they were put on there?—A. I couldn't even guess.

Q. You are doing a good deal of guessing.—A. No, sir; you are doing it, if any one is.

Q. You are giving your opinion about things, why don't you give your opinion about that?—A. I have no opinion; I did not make it up.

Q. Was this man who was put on as a candidate for the legislature an ex-convict?—A. I do not know about that.

Q. Was it so reported?—A. I heard something of that sort; I heard he was; I do not know him.

Q. He was petitioned to be a candidate?—A. I do not know that.

Q. I thought this People's ticket was made up by petition?—A. There was a petition, I understood, circulated, asking the then incumbents in office to stand for an election again, but whether he was included or not I do not know.

Q. How was the balance of the ticket made up, if not on this petition?—A. It was made up on that petition, I suppose.

Q. Very good. It has been stated here that the best people of the county, who revolted against this long Republican misrule, petitioned the good citizens to be candidates for office?—A. That is what I understood.

Q. There were men on that People's ticket that you would not vote for?—A. Yes, sir.

Q. Because you did not think they were honest or competent?—A. Yes, sir.

Q. And they were requested by the petition of these taxpayers, of intelligent people, to be candidates?—A. They may have entertained a different opinion from myself.

Q. There were a good many of them who signed the petition?—A. Yes, sir.

Q. Persons who were as well acquainted with those men as you were?—A. Better, I suppose.

Q. I doubt that. I suppose you know every man in the county?—A. No, I do not.

Q. There was a good deal of excitement, you say?—A. Yes, sir.

Q. Of course you advised in favor of law and order?—A. Yes, sir.

Q. And it required a good deal of effort on your part to stem the tide of excitement?—A. No, sir; there was a good deal of excitement the morning those negroes came in, and the apprehension of danger was in the lower part of the county, where the white population is in a very small minority.

Q. There was some proposition at the Eldridge Hall meeting looking to the expulsion of certain parties from the county conditionally, was there not?—A. I will state——

Q. Please answer my question. Were there or not any propositions at the Eldridge Hall meeting looking to the conditional expulsion of certain parties from the county?—A. I cannot say they were propositions.

Q. Were they suggestions?—A. I should not call them suggestions.

Q. Was the matter mentioned?—A. There was something of that sort mentioned, and if you will permit me I will state my recollection.

Q. I will in a moment. At the Eldridge Hall meeting it was mentioned (I do not know how you draw the distinction between mentioned and suggested) that certain leading Republicans be expelled from the county conditionally?—A. Yes, sir.

Q. What condition was annexed to it?—A. If you will boil your question down into pieces——

Q. It is a simple question I ask you; what condition?—A. You have too many of them together.

Q. Oh, no. Now I do not want to be unjust to you——A. I don't want you to be, either.

Q. I want to ask you this question, and I don't want you to answer it until you hear it. What condition was annexed in any such suggestion or mention; what were they to do or to stop doing to avoid being expelled from the county?—A. I think it is but just that I should state the whole thing in connection.

Q. I will give you an opportunity to do so when you answer my question, as I think you can.

The WITNESS. What condition?

Mr. SPOONER. Yes.

A. It was charged that certain parties had made incendiary speeches.

Q. Who?—A. Among those named were Potter, Moore, and Hackworth.

Q. Who else?—A. I do not know that I recollect any others being mentioned.

Q. There were others, were there not?—A. Those names were mentioned; and Dr. Tristram said——

Q. Excuse me; you say among those named were those three; what others were named?—A. Carl Schutze's name was added to it.

Q. Any others?—A. Not that I recollect.

Q. They were accused at the meeting of having made incendiary speeches?—A. Yes, sir.

Q. Very good.—A. It was said that Mr. Potter on that morning had stated that he had advised, or would advise, the negroes to resort to the shotgun to secure what he claimed to be the result of the election. Now, then, if it is in order, I will state what my recollection is in relation to what Judge Kirk said.

Q. Very well.—A. After I had introduced the resolutions of which you have copies (I do not know whether they are in evidence or not), and after I had made a speech or short talk to the people advising the observance of law and order, and that they should abstain from all violence——

Q. Who were you advising to abstain from violence?—A. The people generally who were there in that excited condition.

Q. They were threatening violence, were they, then?—A. Well, there were all sorts of rumors.

Q. But you were not advising that congregation of people to keep quiet and peaceful, and not resort to violence, unless there had been some threat of violence among them, were you?—A. There was this: Some gentlemen who came up with those negroes as a guard said they

apprehended that an effort would be made by the negroes to release them, and it was also apprehended that there might be an effort made to lynch them by some friends of Bolton, and it was in relation to that; and then in relation to the character of the speeches that had been made.

Q. You did not advise the audience that if an attempt was made to release those prisoners, that that should not be resisted by violence?—

A. I meant if any effort was made in any direction to release them or do violence to them, that they should be protected by law; that the sheriff should summon a sufficient posse to protect them and secure them until released in due course of law.

Q. Then, that violence should be met with violence, in order that—

A. No, sir; should be met under proper authority and under sanction of the law; I never did advise violence.

Q. You advised, when an attempt was made to take them from the custody of the sheriff, that sufficient force or violence should be resorted to to maintain his custody of them?—A. I would, if that proposition had been made.

Q. That is all I mean.—A. Yes, sir.

Q. So much for that. What I am specially interested in is the violent talk against these men, and the suggestions that they must leave the county or change their course of conduct.—A. I will state, then, that Judge Kirk was called for some two or three times by the audience, and he got up and stated the character of the campaign that they had gone through; that it was very bitter; and he stated the character of the speeches that had been made. A call was then made for him to give the names, which he did, the names which I have given, and then he stated in that connection what he had heard as coming from Potter, that he had advised or would advise the negroes to resort to the shotgun to secure the result, as he claimed, of the election.

Q. If necessary?—A. Yes, sir, if necessary; and that Judge Kirk said he would be in favor, if that were true, of that meeting appointing a committee to wait upon these men and notify them they must stop talking in that way to the negroes; that it would lead to bloodshed.

Q. There was no claim that any of them had talked that way with the negroes except Mr. Potter?—A. No, sir; not in relation to resorting to shotguns.

Q. What you mean, then, is that they must stop making incendiary speeches?—A. Yes, sir; that they must stop the character of speeches they had made which had resulted, as it was believed there, in the murder of Boulton, and if continued would lead to other occurrences similar to that of the killing of Boulton; that he was in favor of their being notified by a committee that they must desist from that or leave the county. I got up and opposed that, stating, among other things, that the canvass was over and that there was no object now to continue that character of speeches; that the negro was naturally of a docile and peaceable disposition, and would not resort to violence unless led by some white man, and I did not believe those men had the nerve or courage to lead them into open revolt against the white men. I said I did not think we need apprehend danger, and advised them to an observance of the law, and to abstain from all violence; that those rumors I thought would soon die out; that now the election was over and the People's ticket had been successful. I condemned the raid upon the ballot-boxes, coming from whatever source it would; but at this time it was understood that the People's ticket was ahead at the Graball box, and it was understood that it would pan out that way in the end; that

the whole of it, if counted, would result in that way. Of course there was no motive for any friend of the People's ticket to destroy that box. The natural inference then was, that it was destroyed by some one who was the friend of some one who would be interested in the destruction of that box. I stated that notwithstanding that, my understanding was, from the account that had been given me by parties who had kept run of the different boxes as the returns came in, that the People's ticket was mainly elected, either with or without those boxes that had been destroyed, and that Mr. Hoffman, who was on the Republican ticket, was elected, and that he must be installed in office; that those who were fairly and honestly elected must be installed in office on whichever ticket they might be.

Q. That is all of that, is it?—A. That is about all I think of now.

Q. There was great excitement against those men there, was there not?—A. Yes, sir; there was. There was a deep feeling of indignation, and that the killing of Boulton was the natural result of their teachings.

Q. The feeling against them was due to the character of the speeches they had made during the campaign, was it not?—A. Yes, sir; that and their general character together.

Q. There were other men in the community whose characters were not any better than theirs and against whom there was no such feeling?—A. I do not know of any.

Q. What had Mr. Moore done which should make him the meanest man of the men of loose character in your community?—A. He had affiliated with that character of people.

Q. With colored Republicans?—A. With colored Republicans and those other white Republicans who are Republicans for the sake of getting office.

Q. That you consider down there sufficient to destroy a man's reputation and put him on a low grade as to character, do you?—A. We consider this—

Q. Answer my question.—A. We consider this—

Q. Answer my question, please.—A. Yes; when that element is resorted to to put in office bad, dishonest, and incompetent men to manage and control the affairs of the county, we think it is disreputable.

Q. Do not Democrats, when they are nominated for office, want to get all the votes they can?—A. I suppose so.

Q. Don't they get the negro votes, as well as the white votes, when they can?—A. I cannot speak of others, but I never asked a negro to vote for me.

Q. You would rather not have one vote for you?—A. Yes, sir; and I told them so at the time.

Q. But that is not so with Judge Kirk, is it?—A. I think not.

Q. Judge Kirk had no hesitation in addressing negro meetings, had he?—A. I was told not; I do not know.

Q. Or asking negroes to vote for him?—A. I think not.

Q. Isn't that affiliating with the negroes?—A. Yes, sir.

Q. Is he a man of low-down reputation?—A. It has lessened him in my estimation, the conduct claimed.

Q. I ask you about his reputation in the community where he lives?—A. I think he has lost caste with the people by attending those meetings and affiliating with that crowd.

Q. I do not understand you to give any item against Mr. Moore which destroyed his character and made him a man of low character except his affiliating with the Republicans?—A. Well, his want of integrity.

Q. What want of integrity?—A. He is not regarded as a truthful man there.

Q. Isn't that his failure to pay his debts?—A. That is, among other things.

Q. Isn't that the principal thing?—A. I do not know that it is.

Q. You have other men there who are not truthful, haven't you?—A. Some of them, I suppose.

Q. You have some Democrats who are not truthful?—A. I suppose so.

Q. And some untruthful Democrats who do not pay their debts, too?—A. Yes, sir; unfortunately there are some of that sort.

Q. There is no such prejudice on that account against them as against Mr. Moore?—A. No, sir.

Q. Why not?—A. Because Mr. Moore and others of his ilk manipulated, and sought to manipulate and control, the ignorant mass of negro voters against the interests of the taxpayers, against the interests of the best elements of the county, and to elect men to office who were dishonest and incompetent.

Q. You say against the interests of the taxpayers?—A. Yes, sir.

Q. Were there not a great many taxpayers who had been supporting the straight Republican ticket year after year there?—A. I do not think so.

Q. You do not think so?—A. No, sir; I do not. I think——

Q. Excuse me, I am asking questions. Up to 1884 did not the most of the Germans support the Republican ticket?—A. Some of them did.

Q. I ask you if the most of the Germans did not, up to 1884, support the Republican ticket?—A. I cannot say as to that; I think the majority of them did.

Q. Were they not generally tax payers?—A. The Germans are generally taxpayers.

Q. What Germans, leading Germans, do you remember who did not support the Republican ticket up to 1884?—A. I recollect Mr. Von Bieberstein and Mr. Steuben, Mr. Reugren, another very influential German, and all property holders. I think the Republican ticket has been elected by the non-taxpaying element of the county.

Q. That does not answer my question. What other leading Germans?—A. I cannot recollect their names.

Q. What was the German vote in the county usually?—A. I do not know that.

Q. You know within 500 what it was?—A. I suppose the German vote in the county is from 1,200 to 1,500; may be more or less.

Q. And out of the 1,200 or 1,500 German voters in the county you are only able to name three or four leading Germans who supported the Republican ticket?—A. I say those——

Q. Answer my question; is that so?—A. I do not recall to mind just now the ones.

Q. Is it not true that the men you did name are Democrats?—A. Yes, sir.

Q. Those Germans, I mean.—A. Yes, sir. The most of the Germans who were there before the war were Democrats. The Germans who have come into the county since the war are mostly, as I understand, Republicans.

Q. Of the twelve hundred or fifteen hundred Germans who are voters in the county, how many do you say voted the Republican ticket in 1884?—A. I cannot say.

Q. Give us your opinion.—A. I have never taken any active stock in any local canvass there and never tried to ascertain.

Q. I ask you for your opinion and not for accurate information.—A. I would suppose four hundred or five hundred.

Q. You said a few moments ago that a majority, you thought, had voted the Republican ticket. Four hundred or five hundred would not be a majority of fifteen hundred.—A. I thought you said the majority ticket. I said four hundred or five hundred voted the Democratic ticket and the balance voted the Republican ticket.

Q. Well, a considerable majority did vote the Republican ticket up to 1884?—A. I think so.

Q. A thousand out of that fifteen hundred did?—A. Probably so.

Q. And they were mostly taxpayers?—A. They were in that German element that voted the Republican ticket; they were the new-comers; there were some taxpayers and some non-taxpayers.

Q. Mr. Evarts asks me to put this question to you: How many Germans who came there before the war, voters, are there now?—A. I cannot tell.

Q. Give us your opinion about it; were there fifty?—A. Oh, yes, sir.

Q. One hundred?—A. I should think so; I should think there were three or four hundred.

Q. You say they are all Democrats?—A. I think the most of the Germans who came there before the war are Democrats.

Q. Is it not true that prior to 1884, in the Republican ranks in that county, there were a great many taxpayers?—A. I cannot say a great many taxpayers; that is to say in proportion to the mass of the vote of the Republican party. They have taken the whole negro vote, and a very small proportion of them are taxpayers to any extent; they may pay a tax on a pony or something of that sort, but the great mass of them own no property.

Q. So you say that it is the general sentiment among the Democrats down there, that a man who advises the negro to vote the Republican ticket advises them to vote against the interests of the taxpayers of the county?—A. Yes, sir; from the character of the candidates they put up.

Q. And it follows, therefore, that a man who advises a white man to vote the Republican ticket advises him to vote against the interests of the taxpayers of the county?—A. I think so.

Q. In other words, your proposition is that the only way for men to vote in harmony with the interests of the taxpayers of the county is to vote against the Republican ticket?—A. Against the ticket they usually put up.

Q. Against the usual Republican ticket?—A. Yes, sir; the one they put in the field. They have put in the field men who have been charged with stealing, and insisted on electing that class of men after it was notorious.

Q. So that you mean to say that this Mr. Moore lost his reputation by advising the negroes to vote against the Democratic ticket, and by affiliating with them to that extent, do you?—A. I do not think he had much reputation to lose, but whatever he had was affected by that.

Q. Most all these witnesses have testified that he was a man of good character in that community.—A. Some of them have.

Q. Have not the most of them?—A. I believe so.

Q. Have their opportunities of accurate information been as good as yours on that subject?—A. I do not know about that.

Q. Don't they know about the common speech of people as to his reputation as well as you do?—A. Probably they do. He is understood

to be a sharper, shrewder man than the balance of that crowd that have held office.

Q. You did not drive him out because he was a sharper, shrewder man?—A. No, sir; but he could cover his tracks better.

Q. What tracks do you know of that he attempted to cover; politically I am talking about? [No response.]

Q. Now is it not a fact that there was a very bitter prejudice against Mr. Moore at that time, and at the election and following the election, and that it was based, that is, its intensity was confined to the Democrats mostly, and based upon his conduct during the campaign?—A. Largely so. I recall now Mr. Carruthers, a worthy old farmer living out on Mill Creek, who reported to me the character of speeches Mr. Moore made.

Q. I do not care about that.—A. I would like to state that.

Q. Very well; state it.—A. Mr. Carruthers stated that he had listened to a speech from Mr. Moore to the negroes out there that made his blood boil.

Q. What is his name?—A. Sim Carruthers.

Q. Is he a Democrat?—A. Yes, sir.

Q. Doesn't it make a Democrat's blood boil to hear republican speeches down there anyhow?—A. It was on account of his advice and talk to the negroes. He said he never expected to hear such a speech made by a white man.

Q. What did he report as having been said to the negroes, that made his blood boil?—A. I did not ask him for a report of Mr. Moore's speech; he only gave me his opinion in relation to it.

Q. He did not tell you anything that was said except that it made his blood boil?—A. He said it was intended to arouse the negroes to violence against the whites.

A. In what respect did it tend to do that?—A. I did not ask him.

Q. And he did not tell you?—A. No, sir. He simply stated the effect produced upon him by that speech.

Q. Then, so far as that testimony is concerned, the only criterion you have to judge those speeches by is that it made Mr. Carruthers's blood boil?—A. That is the way he expressed it.

Q. And that is all you know about it yourself?—A. That is what I know in relation to that speech.

Q. Who made that speech?—A. Mr. Moore.

Q. Where was it made?—A. Out on Mill Creek, somewhere.

Q. What other citizen of that county, outside of these officers or office-holders who were candidates and who have been talked about, do you now recall, who made such complaint of these Republican speeches?—A. I don't recollect. There were not a great many white men who attended those places, as I understood it, outside of the candidates.

Q. A man who addresses colored Republicans down there in a political speech is not, among the leading Democrats, considered very much of a gentleman anyhow; is he Colonel?—A. Well, no; not much. It depends a great deal upon the character of speech that he makes though. If he gives them good advice——

Q. In order to give them good advice he must advise them to vote the Democratic ticket?—A. If he advises them to vote for honest and capable men for office that would not prejudice any one against him.

Q. Were there not very good men on the Republican ticket; some very good men?—A. There may have been; I think there were better men on the other ticket.

Q. You have placed a pretty general indictment against the Republican ticket and the honesty of the men who were put on that ticket. Let us have some specifications. Is Mr. Lockett a man who stood well in that community?—A. He stands very well, but his opponent stands much better.

Q. Do you wish to be understood as denouncing him as a dishonest man?—A. No, sir; I do not do that. You mean Tom Lockett?

Mr. EUSTIS. He did not arraign any of the Republican candidates except those who held office up to 1884?

The WITNESS. C. C. Lockett claims to be a Democrat.

Q. And therefore he is an honest man?—A. I know nothing against him, but I think his opponent was more competent to fill the office.

Q. J. C. Hewett?—A. He is a negro, and I do not think fit for the office.

Q. Is he a man of good character?—A. I do not know anything about his character.

Q. C. C. Bryan?—A. He is a farmer.

Q. Is he an honest man?—A. I think so, but not a very competent man.

Q. Joe Hoffman?—A. Hoffman is a competent man.

Q. Is he an honest man?—A. He is charged with not paying his debts very well.

Q. Many an honest man cannot pay his debts.—A. There are some of that sort.

Q. A good many of us have seen days when we could not pay our debts. I apprehend *you* are giving credit to men, in large numbers down there, who would like to pay their debts and cannot do it?—A. There are some who do not do it that would like to.

Q. There are a great many who would like to who cannot?—A. Probably so.

Q. How about T. J. Lockett?—A. He is a very clever man.

Q. An honest man?—A. He was charged, when he was treasurer before, with speculating in county scrip, which is contrary to law.

Q. Was he ever indicted for it?—A. I do not think he was.

Q. Was it ever proved against him in any way?—A. I do not know that it was.

Q. You do not denounce him as a dishonest man, on the stand here, do you?—A. No, sir.

Q. Do you mean to accuse him, yourself, of speculating in county scrip?—A. No, sir; I do not know of the fact.

Q. Is Mr. Potter a bad man?—A. He is not a very good man.

Q. Is he a man who stands well in that community?—A. Well, middling, you might say.

Q. What is the trouble with him; that he makes incendiary speeches?—A. Yes, he has been charged with it.

Q. That is the particular objection to him, is it not, his affiliation with negroes?—A. That and the advocacy of the character of men that were put in for office, and men that resorted to those methods to secure election.

Q. It is all political, then?—A. A good deal is that way.

Q. Is it not all that way?—A. I do not know that it is.

Q. What else is there upon which you base the indictment that he is not a man of good character, other than his political methods and affiliations?—A. Well, that is enough.

Q. That is not an answer to my question; I want somebody else to judge whether it is enough or not.—A. I have no particular charges to

make, nor can I specify particular acts or things. I speak of the general character that his neighbors and people give him.

Q. I ask you to indicate some defect in his character, some ground upon which to intimate that he is not a man of good reputation, independent of what is based upon his political methods and affiliations; if you cannot do it, say so and I will drop it.—A. I have no particular specifications to make.

Q. You cannot do it, then?—A. No, sir.

Q. Mr. Hackworth, you say, is a man of bad character?—A. Yes, sir.

Q. Was there not as bitter a feeling against Mr. Moore at this Eldridge Hall meeting as against any man on this list you have named?—A. I do not know.

Q. Don't you know there was a bitterer feeling against him than against Mr. Hackworth?—A. I do not think there was.

Q. He was the man who was reported to have said that morning that he would have advised.—A. No, sir; Mr. Potter is the man.

Q. Mr. Potter is the man I meant. How about Mr. Potter?—A. I have told you about Mr. Potter.

Q. Then I have got it mixed.—A. You asked me if the feeling against Mr. Moore was not bitter.

Q. Now I say, was not the feeling bitterer against Mr. Potter at that meeting than it was against any of the others?—A. I do not know that it was.

Q. Was it not very bitter against Mr. Potter?—A. When it was stated there that he had made this statement or recommendation to the negroes to resort to the shotgun, I suppose that would naturally create a feeling against him.

Q. I suppose so; and it naturally did, did it not?—A. I suppose so; although there was nothing to indicate it by any speech I heard.

Q. But you understood there was a bitter feeling?—A. I understand it would create a bitter feeling most anywhere.

Q. Did you ask him if he had said or done any such thing?—A. No, sir.

Q. You met him day by day?—A. No, sir.

Q. As soon as he was charged with it did he not publish a card denying it?—A. There was a card published soon after that, I think.

Q. Denying it?—A. Yes, sir.

Q. You say that the feeling was not any more bitter against him, notwithstanding that, than against Mr. Hackworth, Mr. Moore, and Mr. Schutze?—A. I have no means of judging.

Q. Is it not a fact that it was a sentiment there among the Democrats, openly talked on the streets, that these leading Republicans, Potter, Schutze, Hackworth, and Moore, should not and would not be permitted to remain in that community if they did not stop making those incendiary speeches?—A. Well, I cannot say that.

Q. Can you say that it was not?—A. I say this, that Judge Kirk proposed or said he would be in favor of it, but I spoke against anything of that sort.

Q. We have had all that with great detail. I am not talking now about the meeting, but about the sentiment in the community among leading Democrats after the meeting; whether it was not the sentiment and understanding among leading Democrats that those men should not remain in that county unless they agreed to stop making those speeches to the negroes?—A. I never heard anything of the sort.

Q. Do you mean to say that that was not the sentiment?—A. I do not know what the sentiment was. I did not go around trying to find

out what the sentiment was. I know there was this feeling, that whatever would endanger the peace of society would not be permitted.

By Mr. EVARTS:

Q. I will ask you some questions. I may perhaps go over some matters that were explained by you when I was not here. When this meeting was held on Friday following the election, was there any just ground for a sensible man's believing that there had been or were contemplated any riots or uprisings of the negroes in Washington County?—A. I know that sensible men did apprehend it in the lower part of the county.

Q. You understand my question; you understand language as well as I do, and how to answer. I would like to know whether there was, in your opinion, any ground for a sensible man's believing any such thing?—A. Yes, sir; I think the sensible men might have felt somewhat alarmed, as it was right on the heels of the murder of Boulton and the people in that part of the county——

Q. Allow me, we know that fact; I do not want to argue with you.—A. I do not want to argue with you either.

Q. We know all about Boulton's death. Now, was there any such opinion among sensible men at that date, the Friday following the election?—A. Yes, sir; there were men from the lower part of the county who expressed fear that the negroes would give them trouble; that they were excited and were gathering in squads in different parts of the county and that they were alarmed; that violence might be done similar to that which had already occurred. I did not apprehend it because I did not think, from my knowledge of the negro character, that there was any danger from them unless they were led by some bold, daring white men, and I did not think any of those men had the courage to do it.

Q. That hardly touches my point, which is, whether on Friday there was any ground for a sensible man thinking that uprisings or riots had taken place.—A. I do not know what you call an uprising; the murder of Boulton had taken place.

Q. Well, except that, if you please?—A. I know this, that men from that part of the county did apprehend danger——

Q. Why won't you allow me to ask a question and get your answer? It is not what they apprehended in the future?—A. You asked me if there was any ground for sensible men to apprehend uprisings, and I answer by saying I knew that sensible men did apprehend danger.

Q. No; I ask you if there was any foundation on that Friday for any sensible man thinking that riots or uprisings had taken place?—A. No; I do not think that any riots or uprisings had taken place except the killing of Boulton. Going to the polls armed is a violation of law.

Q. You know what an uprising is. The phrase has been used here by a dozen witnesses who have spoken of riots and uprising. I do not want to explain words. The question is a perfectly simple one, and your judgment is valuable to us, whichever way it is, and the question is, whether there was on that Friday any ground for a sensible man out there thinking that riots or uprisings had taken place?—A. No; I do not think they would think any had taken place except what was mentioned, but they apprehended that they would take place.

Q. Very well, that is an additional statement. Now, what fact or actual state of things justified any sensible man, in your judgment, in apprehending that uprisings or riots would take place?—A. I can only answer that by telling what sensible men stated to me.

Q. My question is, was the fact so?—A. The fact was that the negroes were very much excited in the lower part of the county, where they largely exceeded the whites in number; that they were gathering in squads, consulting with each other and bearing arms; that the people in that lower part of the county, that is called the Black Belt, were alarmed and apprehensive that riot and bloodshed would follow.

Q. And that is as near as you can come to it?—A. That is as near as I can come to it. I know nothing of the facts myself, and have not been in that part of the county for twenty years.

Q. You entertained no such apprehension?—A. I thought there was no ground for it; I did not think there was any danger of the negroes uprising, myself.

Q. Was not the only fear or concern in your mind as to violations of law and the perpetration of outrages on the part of those that were hostile to those Republicans and to the Republican party?—A. My fears were that some misguided men on the side of the People's ticket might resort to violence to meet violence.

Q. So that all the apprehension of violation of law, and so forth, which you deprecated, was on that side?—A. No, sir; not all. It was on both sides.

Q. I thought you just said so?—A. I deprecated all violence.

Q. I know you deprecated it, but what I refer to is whether your apprehension as to violation of law was not wholly on the side of the Democratic or People's ticket party?—A. No, sir.

Q. You did apprehend danger from them, did you not?—A. I feared that there might be some resort to violence from the provocation existing—that there might be some—and I wished to advise and counsel against it.

Q. On the Democratic side?—A. Yes, sir.

Q. And of course you deprecated that. From what other quarter did you apprehend violence except from the Democratic side?—A. From the reports made to me of the negroes gathering in the lower part of the county, and the fears expressed by the people from that section.

Q. But you told me you did not apprehend it?—A. I did not think seriously that the negroes would resort to violence unless they were led.

Q. Then that brings you back, as I understand you, to say that the only violence, at the time of this meeting at Eldridge Hall, that you feared and deprecated was violence on the Democratic side?—A. No, sir; violence of law on either side.

Q. Now tell me what you apprehended from any other quarter than the Democratic quarter?—A. I apprehended this: That if it were true that Mr. Potter had made that statement and was advising the negroes to arm, that there might be violence from that quarter. I apprehended, also, from statements made as to the condition of things in the lower part of the county, the congregating in squads of armed negroes, and their excitement, that there might be violence used down there.

Q. But I understood you to say, expressly, that you personally did not apprehend any?—A. Personally I did not apprehend any violence from the negroes in the lower part of the county.

Q. Did you apprehend that from negroes in Brenham?—A. No, sir; not much.

Q. Did you apprehend that from Mr. Hackworth, Mr. Moore, Mr. Schutze, or Mr. Lockett?—A. Well, I thought this: I believed the negroes if left alone would not resort to violence.

Q. I am asking for a fact, for what was in your mind, that is, of apprehension. I do not want reasoning about a general topic; whether you had an apprehension?—A. I tell you I did have an apprehension.

Q. I understood you to say, twice, that you did not have any apprehension?—A. I did not if the negroes were left to themselves.

Q. It is not what you “if” and “and,” but whether you at the time apprehended violence on the part of these Republicans?—A. I stated before that I did not think they had the nerve to lead the negroes to make an attack upon the whites.

Q. Then you did not apprehend it?—A. I did not, myself.

Q. Very well, that is all.—A. But I know others who did.

Q. I haven’t asked you that, at least at this moment. I am not asking about anything but your apprehension. Then, as I understand it, I have from you that you at the time of this meeting did not apprehend any danger or outrage or violation of law except on the Democratic side?—A. I did not apprehend any on the Democratic side unless it was preceded by something on the other side first.

Q. Had you no apprehension, anyhow, that there would be any trouble in that country there?—A. I had some apprehension.

Q. I have understood you to say that you had no such apprehension except from the Democratic side?—A. No; I have not said any such thing.

Q. Three times over.—A. No, sir.

Q. Now I will ask you this question: At the time of that meeting did you apprehend an outbreak or violation of law in any quarter?—A. Yes, sir.

Q. From what quarter?—A. Possibly from the negroes in the lower part of the county, possibly from the negroes (if it were true that such advice had been given as we had heard) in Brenham.

Q. Is that the only quarter from which you thought there might be violation of law?—A. I apprehended, too, that there might be some hot-heads on the side of the People’s ticket. The provocation was great.

Q. I do not want the provocation.—A. And I apprehended and counseled and advised against all of it.

Q. When I ask you merely as to your apprehension I do not want an argument from you on that subject at all.

The WITNESS. You are doing the most of that yourself.

Mr. EVARTS. Well, I have a right to, you know.

The WITNESS. I think I have a right, too.

Mr. EVARTS. I do not think so.

The WITNESS. That is a difference of opinion.

Mr. EVARTS. You have a right to your opinion, but in this committee room you are a witness. I have three times heard you say that you did not apprehend, yourself, any danger from the blacks or the Republicans.

The WITNESS. I did not say it.

Mr. EVARTS. Well, it is down three times at least.

The WITNESS. No, sir; I said I did not apprehend danger from the negroes if left to themselves; that I did not apprehend anything through the negroes congregating in the lower part of the county, unless under the leadership of white men, and I did not think they had nerve enough to lead them.

Q. I understand you to say that at that time, in that meeting, in that discussion, you personally did not apprehend these outbreaks?—A. I thought there was some danger of it.

Q. Then you did think there was danger of it?—A. I thought there was some danger of it. I thought it was necessary to counsel coolness and deliberation.

Q. I am not objecting to your counseling against talk on all sides and every subject, but I am trying to get at the state of mind that you had of fears then. If you had fears that there were to be riots and uprisings, violations of law on the part of the negroes or on the part of the Republicans, say so, and then I will proceed with my inquiries.

The WITNESS. Well, when you get a question I will try and answer it.

Mr. EVARTS. I have asked it three or four times, and I have received it every time that you found an apprehension. You say, if this or that occurred there might be danger, but that is not the inquiry I make.

The WITNESS. Well, what is your inquiry?

Q. I ask you if you then did apprehend there was danger of outbreak?—A. I answer you that I did apprehend or fear there might be, but I believed by cool advice it might possibly be averted.

Q. Very well, now, I understand you to say that you did then, presently, apprehend there was danger of an outbreak on the Republican side?—A. Yes, sir.

Q. From whom did you apprehend it?—A. I apprehended it from the negroes under the advice of these men, if it was true they had given this advice.

Q. That is, in the lower part of the county?—A. No, sir; I did not apprehend as much danger there as I did at Brenham personally. It is where those men live and where they had their negro coterie, their secret meetings.

Q. You did apprehend, then, danger of outbreak on the part of the negroes in Brenham?—A. I feared something of that sort might occur.

Q. Did you apprehend it from any white men leading them actually, now—not reasoning what might happen; but did you apprehend it?—A. I did not think they would go into it unless white men did lead them.

Q. That is not what I ask you.—A. What was it you asked me?

Q. I ask you if you apprehended that white men in Brenham would make an outbreak there.—A. I did not know.

Q. Did you apprehend it?—A. I feared something of that sort might occur.

Q. There?—A. Yes, sir.

Q. Did you apprehend any danger of the violation of law from the other side; that is, from the Democratic side?—A. Yes, sir.

Q. You did?—A. Yes, sir; I did.

Q. From whom did you fear that?—A. From the general excitement and feeling of the people.

Q. From whom, I said?—A. I cannot say who, but the whole community was excited.

Q. You feared it, then, on the part of—A. I feared there might be some rash counsel, and that hot-headed men under that excitement might resort to violations of the law.

Q. Then you really were under that apprehension of fear; I do not mean personal fear, but apprehension of the occurrence. What did you base that apprehension on?—A. I based that on the outrages that had been committed, and the general feeling of indignation against these men on account of it—as being the leaders of it.

Q. What form of injury or violence to these men did you apprehend?—A. I do not know that it took any form.

Q. Did you apprehend they would be hanged?—A. I did not know what might happen. You have had some experience in mobs yourself—

Q. I never, fortunately, had the least.—A. You had some in New York, though.

Q. I am not a member of a mob in New York. However, I will not reason about myself.—A. It is rather difficult to say what an excited people may do under provocation.

Q. You think it might proceed to the taking of the lives of those men?—A. I think so.

Q. Did you fear it might go to this extent?—A. Not particularly. As I say, you cannot judge in advance what men will do; the community was excited.

Q. If you will only be satisfied with answering facts I will be obliged to you. You say not particularly?—A. No, sir; but the whole condition of the community was such, and they were in such a frame of mind, that it might come over any of them. A little outbreak on either side might have led to very serious results.

Q. Did you fear, yourself, that you might be engaged in it?—A. No, sir.

Q. You do not think any such excitement as that would involve you?—A. No, sir; I think not.

Q. Has there been any violence in that county since election day except the homicide of Boulton and the hanging of the three colored men?—A. Not that I am aware of. Well, there were a couple of negroes killed there by another negro.

Q. But that was some other time, was it not?—A. It was since the election; it covers the ground of your question.

Q. That has been described on both sides?—A. Yes, sir.

Q. That had no connection with the election?—A. I do not know about that.

Q. It had no connection with any pending election?—A. The election had just passed; there was none pending.

Q. Do you mean the election in November?—A. Yes, sir; it occurred since the election.

Q. It was at the end of February, was it not?—A. There was no election pending when that occurred; the election had passed.

Q. We know that November has passed. I ask you if it had any connection with any election excitement then pending?—A. Well, the excitement growing out of the outrages was existing at the time, more or less.

Q. You know about it, and I do not know. I only want to get at the fact how you regarded those homicides that occurred, which we know about.—A. I know the brother of the two boys who were killed claims that they were killed on account of their support of the People's ticket. I do not know anything about it myself, or whether they did support it or not.

Q. Do you think it was a political outrage or violence?—A. I do not know anything about it except what I have heard.

Q. Have you any opinion that it had any connection with politics?—A. I have no knowledge or opinion except from the brother of the deceased.

Q. I want your own opinion.—A. I have none.

Q. Have you any idea that it had any connection with politics?—A. I have no opinion about it; I do not know anything about it, and never saw the parties that I know of.

Q. Is there any opinion in Brenham that it had anything to do with politics?—A. That was the opinion of the brother.

Q. Was that the opinion of anybody else?—A. I do not know that I ever heard anybody else talk of it.

Q. You know of no such public opinion or public statement of it in that way?—A. No, sir.

By Mr. EUSTIS:

Q. When you speak of a white man losing caste in affiliating with negroes, do you not mean when he is affiliating with negroes for the purpose of getting their votes for himself for office?—A. Yes, sir; for himself or his friends.

Q. Suppose the case of a white Republican whose principal occupation has been to affiliate with negroes and to run for office, relying principally upon the negro vote, and that occupation ceasing by reason of the success of the other side, does he not lose caste to such an extent in that community as to furnish a powerful motive for him to leave that community?—A. Yes, sir; where holding office is the principal vocation and occupation, when that is gone his occupation is gone and he must seek newer and greener pastures. I wish to state, in explanation of the question put by Mr. Spooner, this: I stated that when I was a candidate I did not ask the negroes to vote for me. He did not give me an opportunity to state the reason why. The reason was that at that time the house was largely Republican, and I felt that if I got any of the negro vote there would be a cry of intimidation and fraud, and I knew we had a radical governor, who would count me out if possible, and I expected a contest while I was making the race, and I told the negroes I did not want their votes, for that reason; that if they voted for me it would be charged by the Republicans that they were intimidated by me, and that would be made a ground for counting me out and refusing me the seat. I was counted out, although elected by between 5,000 and 6,000 majority. But I made the contest, and secured my seat at the hands of a Republican house, and without any negro votes either.

Q. Is it not possible, and has it not been the case in Washington County, for white leaders of that character to influence and control the negro vote on account of the ignorance of the negroes, and to make the negroes vote for dishonest men running for office?—A. Yes, sir; that has been the rule.

Q. And in a county which has been stated to have 2,500 negro voters out of a total vote of 5,500, it would require only a few hundred white people, by controlling the negro vote, to carry their ticket, regardless of the personal character of the candidates?—A. Yes sir; very few.

Q. And was it not by reason of that process that a large number of influential Republicans deserted their party in 1884 and made up the People's ticket?—A. Yes, sir; and so stated by them.

Q. Did you know the Republicans who were holding office there?—A. Yes, sir.

Q. Do you know of any holding office there now?—A. Yes, sir.

Q. Are they in any way molested?—A. Not at all.

Q. Either as regards their social or business relations?—A. Not at all.

Q. Therefore, the fact that a man is a Republican is nothing against him in that community?—A. No, sir; the fact of his being a Republican does not militate against him socially or in any other way; it is only by the character of men.

Q. Your opinion in regard to these three memorialists, and the reason why the people are so strongly prejudiced against them, is that they

have been white Republican leaders, trying to control the negro vote for their own personal advantage and benefit?—A. Yes, sir.

Q. And having failed in that occupation, there exists a sufficient motive for them to leave that community?—A. Yes, sir.

Q. Who is Mr. Carruthers that you spoke of?—A. He is a very reputable farmer and old resident of the county. He lived there when I went there, thirty-four years ago, and stands well.

Q. You said that he had heard Mr. Moore make a speech to the negroes which made his blood boil?—A. Yes, sir.

Q. What did you understand him to mean by that?—A. That it was incendiary and calculated to excite them.

Q. To excite the passions of the negroes against the white people?—A. Yes, sir.

Q. When was the speech made?—A. Just before the last election.

Q. Will you look at the heading of this paper and see if that is what was called the petition or request of citizens for the incumbents to run again for office [handing a paper to the witness]? A. Yes, sir; that is it.

Mr. EUSTIS: The heading is this:

“CITIZENS’ CALL.

“To Lafayette Kirk, county judge; Sam Schlenker, tax collector; H. M. Lewis, county clerk; C. Minkwitz, treasurer; N. E. Dever, sheriff; C. F. Herbst, district clerk; Joe Hoffmann, tax assessor; Ben. S. Rodgers, county attorney; H. R. Von Beiberstein, surveyor.

“We, the undersigned, citizens and taxpayers of Washington County, believing that the citizens of the county are satisfied with the present administration of county affairs, and with the manner in which you have discharged your duty as officers, would respectfully ask each of you, irrespective of politics, to again become candidates for the offices respectively held by you.”

Q. That was the petition which was understood to have been signed by a large number of Republicans, Germans, taxpayers, and respectable citizens?—A. Yes, sir.

By Mr. EVARTS:

Q. You say a Republican may be a Republican there and give no offense by being a Republican; supposing that he undertakes to exercise the usual political methods of gaining votes for his party, do you mean then to say that he does not lose credit?—A. Not if he is a man worthy of confidence and credit himself, or if the parties he advocates for office possess the confidence of the people, it would not affect his standing at all.

Q. You do not think, then, that undertaking the ordinary political methods of carrying a canvass to the point of election and triumph, the ordinary methods used on both sides, that it would affect a Republican?—A. No, sir; not if he was otherwise acceptable.

Q. What did either of these gentlemen do outside of that which I have stated, the ordinary political methods of getting men to vote for their tickets?—A. I do not know personally anything about it; I never heard any of their speeches.

Q. None of these gentlemen were in any position to leave until after this election, were they?—A. Well, they were, to use a common expression, “pretty well played out.”

Q. I did not ask you that.—A. Mr. Hackworth and Mr. Moore had been in office most of the time until 1884, either holding office them-

selves or acting as deputies. They were defeated in 1884 and they had no occupation.

Q. Was there any movement or warning or need of their leaving before this last election?—A. None, unless they could better their condition by going to some other country.

Q. The same as you would go if you chose?—A. Yes, sir.

Q. You mean to say that?—A. Yes, sir.

Q. Then, whatever did change the situation, changed upon what took place after that election?—A. I do not know that any change took place since. They could have staid there since if they had wanted to.

Q. Did any occur afterwards?—A. I do not think any has occurred.

Q. But if there was any change it was after the election?—A. I do not think there was any change.

Q. None at all?—A. No, sir.

Q. They stood, then, in the same attitude that they did before the election?—A. Just about.

Q. And the apprehensions of violence to them were entirely groundless, were they?—A. I think so.

Q. Entirely groundless?—A. I think so.

Q. And all this excitement and alarm, that might lead even to hanging them, you think had no foundation whatever?—A. I do not think they would have been hung if they had staid there.

Q. Whatever you have testified to is down, and you need not repeat it; but you do not think there is anything in what you have already testified in regard to excitement there that changed their position from what it was before the election?—A. No, sir.

Q. Not at all?—A. No, sir; they stood very low before that.

Q. I am not talking about that; I am talking about their leaving.—A. There was no additional reason for their leaving. I say this, that if I was in a community that regarded me as that community regards them, I would leave it.

Q. That depends upon how much of a hurry a man is in. Lloyd Garrison did not think it was necessary to leave Boston because all Faneuil Hall was against him, so that you see there is a difference.—A. Yes, sir; there is a difference, and there is a great deal of difference in the men, too.

Q. Yes, there is a great deal of difference between men. There is a topic which I understand was not referred to by Mr. Spooner. What did you know or do about the hanging of those three colored men?—A. I did not know or do anything about it.

Q. Nothing whatever?—A. No, sir; but I will state this, that I had no more apprehension of violence to those negroes than I have of violence to yourself to-day. I thought the excitement had all passed off and that there was no danger of any violence.

Q. You had no more apprehension in your mind of injury to those men than there was, as you have now expressed it, of danger to Mr. Hackworth and the others?—A. No, sir.

Q. So, you see, you were mistaken in that case.—A. Yes, sir; I was.

Q. After it happened what did you do about it?—A. I condemned it.

Q. In what way?—A. In any way that a private citizen could.

Q. Do you mean in conversation?—A. In conversation and every other way.

Q. Anything else?—A. I do not recollect anything else.

Q. Did you endeavor to call the citizens together to follow the mob and punish them?—A. I did not.

Q. Did anybody?—A. Not that I know of.

Q. Did anybody care anything about it down there?—A. I think it was regretted by all good people.

Q. But only in this form of conversation?—A. I do not know, except as regards myself.

Q. Did you have any public meeting there about the hanging of those three men?—A. No, sir; not that I know of.

Q. Did anybody ask it or desire it?—A. Not that I know of.

Q. And there has not been a finger stirred down there on that subject, has there?—A. There was an inquest held by a Republican justice of the peace, and it was his duty to investigate it, and I suppose he did. I suppose there was several fingers stirred in that affair. There has been no meeting of the grand jury since it occurred until the present meeting next week.

Q. But there has been no movement in that community, at Brenham, towards redeeming its character and reputation about the hanging of those three colored men?—A. None that I know of outside of what the officers have done.

The subcommittee then adjourned until Thursday, March 3, 1887, at 10.30 o'clock a. m.

WASHINGTON, D. C., *Thursday, March 3, 1887.*

The subcommittee met pursuant to adjournment at 10:30 o'clock a. m.

TESTIMONY OF JOHN A. VERNON (recalled).

JOHN A. VERNON was recalled and further examined.

By Mr. EVARTS:

Question. I desire to recall your attention to the circumstances under which you held an inquest upon the death of Bolton, and to ask you this question: Whether at the time you held the inquest, with the body before you, Mr. Bolton, the deceased, had on a dress that is called down there a "slicker;" whether he had it on at that time?—Answer. Yes, sir.

Q. I believe what you call a "slicker" has been described. Is it a yellow oil rain-coat?—A. Yes, sir.

Mr. EVARTS. I want to put into the record the card of Mr. Potter as published in the Brenham Banner of November 5, 1886.

The card referred to is as follows:

[From the Brenham Daily Banner, Brenham, Tex., Friday morning, November 5, 1886.]

To the public:

Whoever says that I have, either directly or indirectly, advised the colored people to arm themselves, &c., lies willfully and maliciously. Myself and all others who are Republicans, have advised the colored people just to the contrary, and have assured them that the conservative element of the white people would not permit any unlawful acts or violence to be performed upon them. The colored people, relying upon our assurances, apprehend no danger, nor are they armed.

O. B. POTTER.

Mr. EVARTS. It is conceded, I believe, that the Brenham Banner is a paper issued early in the morning?

Mr. JODON. Yes, sir; it is published at night and is carried around early in the morning.

Mr. EVARTS. The subcommittee will now adjourn until Saturday, when a session will be held and we will take further testimony, strictly in rebuttal.

The subcommittee then adjourned until Saturday, March 5, 1887, at 11 o'clock a. m.

WASHINGTON, D. C., *Saturday, March 5, 1887.*

The subcommittee met pursuant to adjournment at 11 o'clock a. m.

Mr. JODON. We desire to introduce in evidence and have printed in the record, a portion of the report of the grand jury made in September, 1880, in regard to charges against Mr. Schutze, which were investigated at that time by them.

The extract spoken of is as follows:

[Report of the grand jury of Washington County, Texas, of the 28th of September, 1880.]

To the honorable district judge, A. S. Broadus, of the thirty-second district:

We, the grand jury of Washington County, have the honor of making the following report. * * * An article published in the Houston Post of date September 14, 1880, reflecting on the integrity of the county attorney of this county, was called to the attention of the grand jury. The charge intimated in said article was of such a grave character that we deemed it incumbent to call before us several witnesses of the highest character who were supposed to be conversant with the facts in the premises. And we feel it is due to the officer (Carl Schutze) that we report an entire absence of proof to sustain the implied charge. * * * We respectfully submit the above report to your honor.

W. A. BIZZELL, *Foreman.*

This the 28th of September, 1880.

Mr. JODON. We also introduce a description of the hanging of these colored men, which appeared in the Brenham Daily Banner of the 3d of December, 1886.

The article in question is as follows:

[From the Brenham Daily Banner, Brenham, Tex., Friday, December 3, 1886.]

HANGED.

Shed Felder, Alfred Jones, and Eph Jones taken from jail.—They are found dead hanging to a pecan tree.

Thursday morning, at one o'clock, Mr. Jim Estes, the jailer, was awakened by a man at the jail door, who, in response to an inquiry, said that he was Schley, and that he had a prisoner to put in jail. This seemed reasonable, and Estes got up, lit his lantern, and went to the door, first putting the lantern and jail keys on a box in the hall. When he opened the door three masked gentlemen, two armed with Winchesters and one with a prodigiously large revolver, entered and covered him with their guns. They informed Estes that they wanted the jail keys, and looking round soon discovered them. They forced the jailer behind the door, and taking a gum coat from the wall threw it over his head. Others then came in and unlocking the jail men went up to the cell room, and examining all the prisoners took out Shed Felder, aged 45, Alfred Jones, aged 60, and Eph Jones, aged 40. They locked the cells and jail, and throwing the keys on the floor, they carried the lantern to the gate, blew it out, and left. Leonard Gee and John Lockett, who were employed as guards, were up-stairs in the city hall; they started to come down stairs; they were covered with guns in the hands of masked men and told to keep still, they wouldn't be hurt. It is stated that all the streets approaching the jail were carefully guarded.

The number of the mob is estimated all the way from twenty to seventy-five men. They came to town on horseback, in the most quiet manner imaginable, and their presence was not suspected till the jail was surrounded; the men had nothing to say, and were as orderly as soldiers on dress parade; where they came from or whither they went is a mystery. At an early hour in the morning the dead bodies of the three negroes named were found hanging to the limb of a pecan tree, about a mile from the

jail, on the Independence road, near the bridge over Sandy. The news of the hanging spread rapidly, and was the cause of no little surprise, because no one had the least suspicion that a hanging was contemplated. In addition to the three hanged negroes there was five more, viz: Stephen Jackson, Felix Kinlow, William Davis, Andy Hays, and John Glass in jail. All of them were charged with being implicated in the murder of Dewees Bolton, who was murdered by Polk Hill, a negro, at Flewellen's on the night of the election, and this hanging may properly be said to be a sequel to that unprovoked murder. Justice Hackworth empaneled a jury who viewed the bodies of the dead negroes and proceeded to take evidence. A number of witnesses were examined but no testimony was elicited tending in the remotest degree to identify any member of the mob. The inquest was adjourned over till Tuesday next at 10 o'clock.

The negroes were scientifically hanged with new grass ropes, and, when found, they were all facing one way, with their feet about 30 inches from the ground. The bodies were cut down, and hauled to town in a wagon, about 10 o'clock in the morning, and deposited in jail. New drawers, undershirts, socks and nice shrouds were purchased, and good common coffins procured and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their former homes, near Flewellen's for burial.

A few days after their arrest the eight negroes were sent to Houston for safe keeping, and only last week were brought back by order of the commissioner's court, who evidently apprehended no danger. They made a miscalculation. The officers were anxious to get the negroes out of jail and offered to release all of them on bonds of \$500 each and to take such bonds as they could make, but the negroes acting under the advice of their Republican friends refused to make bond, but a lawyer was preparing papers to get them released on habeas corpus. Thursday afternoon the remaining five were released on bonds of \$500 each, going on each others' bond. They were greatly rejoiced at their supposed narrow escape and left for home at once.

The hanging was the general theme of conversation during the day and a variety of opinions were expressed; most good citizens regret the hanging, but in the present state of public feeling it is regarded as one of those occurrences that could not well be avoided, and also that the negroes got no more than they justly deserved. The murder of Bolton and the subsequent mobbing of these negroes is the direct outgrowth of the incendiary speeches made by the Republicans during the canvass and the advice of the two special envoys who induced the negroes to arm themselves and go to the voting place at Flewellen's. The Republican leaders will doubtless attempt to make political capital of this affair and the defunct darkeys will be mentioned as having fallen martyrs to the cause of Republicanism in Texas. The hanging of these negroes by a mob is an occurrence to be regretted, but it was brought on by the very men who professed to have the greatest friendship for the negro and whose friendship consisted in arraying the colored people against their employers and true friends.

Mr. JODON. I also introduce a published account, in the Brenham Daily Banner, of the killing of Bolton. It was published in the issue of November 4, 1886.

The following extract is the one referred to:

[From the Brenham Daily Banner, Brenham, Tex., Thursday, November 4, 1886.]

FOUL MURDER.

An innocent and inoffensive white citizen is assassinated by negroes with shotguns.—The negroes instigated by white Radicals.—Good citizens blame the Radical leaders.

As foul and unprovoked a murder as ever disgraced Washington County was committed at Flewellen's Store, near Whitman post-office, on Tuesday night. The victim was Dewees Bolton, a young married man, about 27 years of age. He was a thrifty farmer, quiet and unassuming in his manners, and a thorough gentleman in his deportment. He, in company with another man, stopped at the house where the vote polled at the election during the day was being counted. He walked in and took a seat; the count was progressing quietly and slowly when, without any warning, a negro, said to be named Polk Hill, fired on Bolton from the outside, filling his face full of squirrel-shot, and inflicting wounds from which he died in a few minutes. As soon as Bolton fell, a man who was at the table counting the votes picked up the ballot-box and ran away. Neither he or the box have yet turned up. Three negroes have been arrested, and at last accounts were under guard at Graball. Hill escaped. It is stated that two young white men, Radicals, were at the polls during the day and advised

the negroes to load their shotguns and go prepared to guard the box, and if any one attempted to capture the box to shoot them. From all accounts it appears that no attempt was being made to capture the box. Public indignation, among good white citizens, is very high, and a public meeting was held, the proceedings of which will be found elsewhere.

TESTIMONY OF W. S. BUSTER (recalled).

W. S. BUSTER was recalled and further examined.

Mr. JODON. I want you to state if you had any conversation, directly after the killing of Bolton, with any one who was present, and what Mr. Traylor said about the way he found his body.

The WITNESS. That was the first conversation I had with any eye-witness of the killing. I think it was the next day after the killing at Graball, Mr. Traylor came up from there and said that he was there in about three or four hours from the time the man was killed, and he saw him lying in the room where he was shot down. He went there from Chapel Hill in company with Mr. Schley.

Mr. JODON. Who was Schley?

The WITNESS. Schley was the constable at Chapel Hill. He said there was a negro, I do not remember that he named him, who came after them, and they went as soon as they could ride from Chapel Hill to Flewellen, and when they got there there was no one in the room except the dead man.

Mr. JODON. State if he looked as though he was lying as he had fallen.

Mr. EVARTS. State how he found him.

The WITNESS. He said he was lying right in the doorway pretty much, and he said there was a handkerchief over his face, and he did not recognize him until they raised that handkerchief off his face, or know who he was.

Mr. JODON. Did he state whether he had any other coat on or disguise?

The WITNESS. I do not remember.

Mr. EVARTS. Is that all that he said?

The WITNESS. All that I remember.

Mr. JODON. Where did that conversation with Mr. Traylor take place?

The WITNESS. It was at Colonel Giddings's bank; at that corner.

Mr. JODON. Who was present there?

The WITNESS. Colonel Giddings was there and some one else—Frank McIntire; those are the only two I can remember. There were others, but I do not remember them.

Mr. JODON. Who was Traylor?

The WITNESS. He was a gambler; I do not know whether he had any other occupation.

Mr. JODON. Was he a Democrat or a Republican?

The WITNESS. He was a Democrat, I think.

Mr. JODON. Did you ever hear Mr. Schley make any statement in regard to this matter?

The WITNESS. Yes; I heard him saying something about it.

Mr. JODON. Please state where it was.

The WITNESS. That I heard Schley talking about it?

Mr. JODON. Yes.

The WITNESS. It was at the Central depot; he was in conversation with you. From what I heard, it was about the same statement that

I had heard before from Mr. Traylor; it was just about the same thing, as far as I heard.

Mr. JODON. I suppose you heard of that mass meeting up there; that indignation meeting, as it is called?

The WITNESS. I heard something about it.

Mr. JODON. When did you first hear of any mention being made in that meeting of the ballot-boxes being stolen and any condemnation of it? It has been stated here that it was so. You are a policeman there; when did you first hear of it?

The WITNESS. I do not remember.

Mr. JODON. Did you ever hear it spoken of until you came up here that any speaker at that meeting condemned the taking of the ballot-boxes?

The WITNESS. No; I do not know as I did.

Mr. JODON. There has been something stated here by witnesses for the defense to the effect that S. A. Hackworth had taken his brother's insurance money and used it, swindling the widow out of it. I wish you would state about that matter, whether he had any insurance or not.

The WITNESS. He had an insurance in the Knights of Honor.

Mr. JODON. Are you a member of that order?

The WITNESS. Yes, sir. I never knew until the time of his death that he had failed to pay the assessments and had been dropped.

Mr. JODON. Did he get any insurance or not from that source?

The WITNESS. No, sir, he did not; because I heard Captain McClung, the reporter of the lodge, speaking about it. He told me that his time had expired, and that he had dropped him from the roll a few weeks before he died.

Mr. JODON. Was it not regretted because of his insurance policy having lapsed?

The WITNESS. Yes, sir.

Mr. JODON. Was there not a general feeling of regret expressed over the matter?

The WITNESS. Yes, sir; that was all the insurance I knew of his having.

Mr. EUSTIS. We have no questions.

TESTIMONY OF RIGGS HACKWORTH (recalled).

RIGGS HACKWORTH was recalled, and further examined.

Mr. JODON. It has been stated here by Mr. Awbrey that it was suspected that Lockitt and Lonny Gilder had stolen the ballot-box at Graball. I wish you would state where they were on the night of the election, if you saw them, and how long you saw them.

The WITNESS. I think I met with them about 6 o'clock in the evening of election day.

Mr. EVARTS. Do you mean all three of you were together?

The WITNESS. Yes, sir; and we staid together—all three of us—until about 12 o'clock, when Gilder, I think, went home, and Lockitt and I staid together until about 4 or 5 o'clock; I know it was just about daylight when we went home.

Mr. JODON. That was on election night?

The WITNESS. Yes, sir; on election night. I was with him continuously until that time.

Mr. JODON. Will you tell us when Judge Kirk got home that night, or if anybody told you about it; how you knew it? State, if you can, at what time you reached Brenham.

The WITNESS. On my way home I met Ben. Rodgers.

Mr. JODON. At what time in the night?

The WITNESS. It was 4 or 5 o'clock in the morning when I met Ben. Rodgers, and I asked him where he had been. He said he had been to Chapel Hill. I asked him if he had seen Judge Kirk there. He said, "Yes; Judge Kirk came back with me from Chapel Hill."

Mr. JODON. Did he state when he came back?

The WITNESS. He had just got back, he said. We had just come from the stable and put up our horses.

Mr. JODON. What was the general report about it; was it discussed considerably as to his whereabouts?

The WITNESS. Well, I heard afterwards that he did not get back until daylight. One of my friends, Mr. Hodde, said he saw him that morning as he opened the store, coming back on horseback from Chapel Hill.

Mr. JODON: Was there any apprehension before election at any time, that ballot-boxes would be stolen; and did you make any agreement with any parties about it so as to avoid it?

The WITNESS. Yes; considerable apprehension was felt.

Mr. EUSTIS. What box do you refer to?

Mr. JODON. To the box at Chapel Hill precinct.

The WITNESS. It was at Chapel Hill and Graball where we feared the boxes would be stolen.

Mr. JODON. How long before the election?

The WITNESS. When we first began to make up our ticket; we were talking about it all the time.

Mr. JODON. What was the reason for that?

Mr. WITNESS. It had been done on the previous election at Chapel Hill.

Mr. JODON. Did you make any agreement with any parties, by putting any one on the ticket, by which they agreed to go to Chapel Hill and see that the boxes were opened and everything went on fairly?

The WITNESS. Yes, we agreed to put Charlie Lockitt, a Democrat, on our ticket, provided William Thompson and Dr. Lockitt and their friends would go to Chapel Hill and see that the boxes were opened there.

Mr. JODON. Has William Thompson testified here?

The WITNESS. Yes, sir; Mr. Thompson testified.

Mr. JODON. What was the agreement?

The WITNESS. That they would go and see all the boxes opened, and would see a fair vote. They promised not to work against our ticket. They said they would work for Lockitt, and not against our ticket; but they said they could not work for it; but that they would see a fair vote; and they promised to stay with the box until it reached Brenham.

Mr. JODON. What time did they come back; did they stay there according to agreement?

The WITNESS. No, sir; they did not; they returned to Brenham. I think I saw Mr. Thompson about 12 or 1 o'clock.

Mr. JODON. Did you ever hear any reason given as to why they did return?

The WITNESS. Yes; I talked to Charlie Lockitt about it.

Mr. JODON. State what he said.

The WITNESS. He said that things were going wrong down there; that he could not get one box open at all.

Mr. JODON. Do you know what box that was?

The WITNESS. Some gin, he said.

Mr. JODON. Was it Chadwick's Gin?

The WITNESS. Yes; it was Chadwick's Gin, I believe; I think that was the name of the place; it was a new box.

Mr. JODON. What reason did he give for that?

The WITNESS. He said the negroes were bulldozed there and were told if they went up to that gin and opened that box they would all be killed. He said Mr. John Traylor was there.

Mr. JODON. Something has been said about your brother robbing your brother's widow of insurance money. State what you know about that.

The WITNESS. I know positively that there was no insurance on my brother's life at all. There had been just before he was taken sick, and some of his insurance lapsed before he was sick, but we did not know about it, and it was too late to reinstate it. I know there was not a cent of insurance on his life.

Mr. JODON. Have you ever heard any conversation between your brother John and Stephen here as to the indebtedness between them? Or if there was any, state what it was.

The WITNESS. Yes, sir; I think the last talk they had together before he was taken sick was in our office. They were talking about the affairs between them, and brother John told brother Steve that he was satisfied that upon a fair settlement between them he did not owe him a cent, but that brother John owed him, he thought. I do not think they ever kept any books between them as to their indebtedness to each other.

Mr. JODON. During the time that Mr. Moore was threatened, did you ever hear of it? Do you know of anybody's threatening or notifying him of threats; did anybody come to his house?

The WITNESS. I went there once purposely to tell him not to stay at home that night; to stay away.

Mr. JODON. You are speaking now of Mr. J. L. Moore?

The WITNESS. Yes, sir. I told him from what I could learn in town his life would not be safe in town that night.

Mr. EUSTIS. When was it that you went there to tell him?

The WITNESS. It was after the election, I do not remember what day.

Mr. EUSTIS. About how long after the election?

The WITNESS. It was during all that excitement in Brenham.

Mr. EUSTIS. About how long after the election was it that you told him or notified him?

The WITNESS. I do not remember; some five or six days, or a week or two.

Mr. EUSTIS. That is all.

TESTIMONY OF FRANK NEWMAN (recalled).

FRANK NEWMAN was recalled and further examined.

Mr. JODON. State whether you were at the Eldridge Hall meeting and whether Judge Kirk did, or not, offer a resolution, and if he did, state the words that he used, if you can do so.

The WITNESS. As well as I remember, Judge Kirk got up and commenced to make a speech, and after he had spoken a while he said that

he thought a resolution ought to be offered expelling these men from the county. Then he spoke on a while and said, "I do offer the resolution." When I say "expelling" them from the county, I do not know that that was his exact language, but it was that they should be notified to leave the county if they continued to make incendiary speeches, or something of the kind.

Mr. JODON. Do you remember whether Colonel Giddings, in his speech following him, dwelt upon that and what he said, as to whether violence ought to have been used then or ought to have been used at any time.

The WITNESS. Colonel Giddings, as well as I remember, opposed the resolution and asked the question, "Suppose they do not leave the county, will you make them leave?"

Mr. JODON. Was any answer made to that by anyone?

The WITNESS. Others followed him; I have forgotten who spoke after he did, immediately.

Mr. JODON. What did they say upon that question, if anything?

The WITNESS. I have forgotten.

Mr. JODON. You were on the jury of inquest?

The WITNESS. Yes, sir.

Mr. JODON. Did you hear any of the members of that jury say they had been threatened or that any intimation had been given them—

Mr. EUSTIS. There were two inquests; which one do you mean?

Mr. JODON. I mean the inquest on the bodies of the negroes who were hung.

The WITNESS. I do not know that I heard anyone say they had been threatened; I heard one of the members of that jury—

Mr. JODON. What is his name?

The WITNESS. A Mr. Siedelman.

Mr. JODON. You mean Lewis Siedelman?

The WITNESS. Yes, I believe so. He said that some one had made remarks to him about there being danger of his investigating too closely.

Mr. JODON. On the first day that you met did he, or not, show any activity in looking up evidence?

The WITNESS. I think he was active.

Mr. JODON. Now, on the last day that you met did he show the same activity, or did he cease it in any degree?

The WITNESS. On the last day no one showed any great activity in getting up evidence, for we had found out that we could get no more evidence. I had made some inquiries myself about evidence, and we concluded on the second day that we could not get any more evidence, and so we adjourned.

Mr. JODON. It has been stated here by some of the witnesses that in specific terms some one in a speech referred to the stealing of the ballot-boxes at Graball and Flewellen. State your remembrance about that; I mean at the meeting at Eldridge Hall?

The WITNESS. Some one may have referred to it, but I do not remember that any one said anything about it.

Mr. JODON. What is your impression about it; you must have some impression about it?

The WITNESS. My impression is with my remembrance; I do not remember that anyone said it, and my impression is that they did not.

Mr. EUSTIS. Was that resolution which Judge Kirk offered put to a vote?

The WITNESS. I do not think it was. Colonel Giddings got up immediately when Judge Kirk took his seat and opposed the resolution.

Mr. EUSTIS. It was never voted on?

The WITNESS. No, sir; they did not vote on Judge Kirk's resolution.

Mr. EUSTIS. I have forgotten one thing. Did you hear anybody talk about threats made to the members of the jury of inquest by any member of the bar there; if you did, state what he said.

The WITNESS. I heard a good deal of talk about it.

Mr. EUSTIS. Did you hear L. R. Bryan say anything about it?

The WITNESS. I was in Mr. L. R. Bryan's office, and he repeated what he had heard some one say to Mr. Seidelman; that is, he said in a laughing way that it didn't look reasonable if a mob of men would come there and hang the negroes that they would allow the jury of inquest to investigate it very closely.

Mr. JODON. Mr. Spooner said the other day that he wanted to introduce the law as it was under Republican rule as to ballot-box stealing. I have it here if you desire it.

Mr. EVARTS. It is in the statute-book.

Mr. JODON. Yes; and this is a copy from it.

Mr. EUSTIS. What has that to do with the investigation?

Mr. EVARTS. It simply saves us the trouble of looking at the statute-book.

Mr. EUSTIS. But I understand it is offered to show that under the Republican State administration this was a felony, and under the Democratic State administration it was made a misdemeanor; that is the object?

Mr. JODON. Yes, sir.

Mr. EUSTIS. I do not see what that has to do with this investigation in any way.

Mr. EVARTS. As this is a matter to be found on the statute-book, it is only a question whether, for our own convenience, it can be put into our record. I should be glad to have it there myself; I see no objection to it.

Mr. EUSTIS. There is no objection to it on that ground, of course.

Mr. EVARTS. Unless there is some reason for insisting on the objection, I think it should go in.

Mr. EUSTIS. On that ground I have no objection.

The extract from the statutes referred to is as follows:

[Page 1319, Art. 6499 (53).]

Any person not authorized by this law to take charge of the ballot-boxes at the close of the election, who shall take, receive, conceal, displace, or in any manner handle or disturb any ballot-box at any time between the hour of closing the polls and the counting the votes, or during such counting, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

TESTIMONY OF O. B. POTTER (recalled).

O. B. POTTER was recalled and further examined.

Mr. JODON. Something has been said by witnesses as to your advising the negroes to arm themselves with shotguns and hold an election at all hazards. State to the committee what you said on that subject.

The WITNESS. I presume that grew out of a conversation I had at Mr. Goodlet's store, in Brenham, about the time that all that fuss was. I said this: That it seemed they were resorting again to the shotgun policy. I never advised the negroes to arm themselves; on the contrary, I advised them to keep quiet and obey the laws and be very care-

ful to not create any disturbance in any way; and there isn't a man who has testified here, who lives in Brenham, that doesn't know that I advised them to that effect.

Mr. JODON. Who do you mean by "they" who were resorting again to the shotgun policy?

The WITNESS. I mean the Democratic party. I had reference to the fact that they had resorted to the shotgun policy two years before at Chapel Hill, and it seemed they were going to do that again at this time.

Mr. JODON. Who were present at that time at Mr. Goodlet's?

The WITNESS. Mr. Booker was there and Mr. Goodlet was there.

Mr. JODON. Anybody else that you remember?

The WITNESS. It seems to me that George Campbell was there, but I am not certain about that.

Mr. JODON. Was Mr. Goodlet a Democrat?

The WITNESS. Yes, sir; he was a Democrat, and he told me that he had told a great many, several, Mr. Booker in particular, who had repeated that story, that there was not a word of truth in it, and that he knew it.

Mr. JODON. When did you first receive information that you were charged with saying that?

The WITNESS. I think it was the day before that; I think it was on the 4th, the day before that meeting they had in Eldridge Hall.

Mr. JODON. Did you put a card in any paper there denying it?

The WITNESS. I put a card in; I think I gave it to the Banner office on the 4th; it came out on the morning of the 5th. The Banner always comes to me before sunrise in the morning, and is carried all over town very early. It is hardly possible that a man who lives in the corporation has not either seen it or heard of it.

Mr. JODON. One of the witnesses for the defense has testified that you told George Campbell, and he told him, that you had advised the negroes to arm themselves with shotguns and hold the election. Did you or not say that?

The WITNESS. I never told anybody any such thing in the world.

Mr. JODON. Did you ever have any conversation with him except that which he listened to at Mr. Goodlet's?

The WITNESS. Not that I recollect; I do not think I ever did.

Mr. JODON. Then you never stated that to him?

The WITNESS. Never in the world.

Mr. JODON. Did you ever hear Fritz Fischer, who has been on the witness stand here, say whether or not it would be safe for Mr. Schutze and Mr. Hackworth to stay in Brenham?

The WITNESS. I had frequent talks with Fritz Fischer on that subject; I buy my meat there and go there every day to market, and he has said to me on frequent occasions that he did not think I was in any danger, but he believed if Mr. Hackworth and Mr. Schutze had staid there they would have killed them.

Mr. JODON. That was after they had left?

The WITNESS. Yes, sir; but he did not think I was in any danger, and my recollection is that he said he did not think Mr. Moore would have been killed if he had staid.

Mr. EUSTIS. Who said that?

The WITNESS. Mr. Fischer.

Mr. JODON. Harry Haynes when on the witness stand here stated that you had told him that you agreed to vote the ticket straight, but that you did it on account of the feeling you had towards Judge Kirk only; that you did not like the ticket, and had no use for it.

The WITNESS. Mr. Haynes is mistaken about that conversation. I recollect the conversation very well; it was in my stable; he stopped over with me; it related specially to Allen Wilder, who was candidate for county attorney on our ticket. Contrary to my wishes and judgment he was put on there, and I told him that I had agreed to vote for the nominees of the party, and expected to vote the ticket straight, although I thought it would be a misfortune to have Allen Wilder elected.

Mr. JODON. Who was Allen Wilder?

The WITNESS. A colored man put on our ticket as candidate for county attorney.

Mr. JODON. Was that all that you said to him in regard to it?

The WITNESS. Yes, sir; that was all I said about it.

Mr. JODON. Did you see the presiding judge from the Flewellen box the day of the election or at any time after the election?

The WITNESS. The next day after the election two men drove into my stable; one a tall man. I did not know him, but he got out and told me he was from the Flewellen box; that he was the presiding officer there, and he had brought up whatever there was of the tally sheet at the time the box was captured.

Mr. JODON. What did he state about Bolton, how he was killed and where he was when killed?

The WITNESS. He told me that Bolton was sitting down, very quietly witnessing the count, and that some negro had shot him through the window.

Mr. JODON. Has Dick Robinson been here during this investigation?

The WITNESS. I do not know him, but I have not heard of his being here.

Mr. JODON. Now, this negro uprising in Brenham, that has been spoken about, I will ask you in relation to. Did the people believe it was going to happen, or did they ridicule the idea?

The WITNESS. There was nobody who thought of any negro uprising there; in fact it was very difficult to get a negro to stick his head out of his cabin. The negroes were so scared and badly frightened, all of them, that they were keeping very dark; nobody had any anticipation of any uprising that I ever heard of.

By Mr. EUSTIS:

Q. Would you have published that card if you had not believed that it was currently reported and generally believed that you had made that statement?—A. I published the card at the instance of some other persons. I did not think the people believed anything of that sort myself, but I published it at the instance of some other parties who thought the people might believe it. I did not believe the people believed it; I thought the people knew me too well to think I would do or say a thing of that kind.

Q. You published that card contradicting these reports, though you did not believe that those reports were believed?—A. Yes, sir. I did not know but what those reports might furnish some excuse for some outrages that might not otherwise occur, but I did not believe they believed it generally at all.

Q. Why do you say that you would have considered it a misfortune if Wilder had been elected?—A. Because I did not think he was a competent man for the place.

Q. Competent in what respect?—A. I did not think he was capable in point of intelligence and legal education.

Q. To fill that office?—A. To fill that office; that was my idea about it.

Q. It is an important office in that county, is it?—A. Yes, sir; I think so, somewhat important.

Mr. JODON. He was a practicing attorney, was he not?

The WITNESS. Yes, sir; he had been practicing I understand seven or eight years there.

TESTIMONY OF JOSEPH HOFFMAN (recalled).

JOSEPH HOFFMAN was recalled and further examined.

Mr. JODON. Mr. Hermann Fischer has testified that Mr. Hackworth went to him and tried to get him to go with him and buy some property belonging to Jerry Murf, and that they were to take a bottle of liquor along and get him drunk in order to do it. Now I wish you would state, as assessor of that county, whether or not he had any interest in or owned that property.

The WITNESS. Mr. Jerry Murf has never owned a foot of property in Washington County, to my knowledge, since I have been assessor. There was a piece of property belonging to Louisa Murf, his sister, who died. She had other relatives, I believe a sister and brother, who were dead also, and their children inherited this property. Jerry Murf may have had some little interest in it for all I know, but not to amount to anything, for the property was not worth much at the time. I could have bought the property for \$2,000, but I think there were eight or ten heirs to it. I wanted to buy it at one time; it was a piece of sandy land which became overflowed at times, but it had timber on it and was not far from Brenham, and I wanted to buy it.

Mr. JODON. State the value of Mr. Moore's property.

The WITNESS. Mr. Moore had a very desirable piece of property, and I know that Mr. Moore traded a valuable homestead in the city of Brenham for it.

Mr. JODON. What was it worth?

The WITNESS. I assessed that homestead at \$2,500, the house and lot.

Mr. JODON. Was that its market value?

The WITNESS. No, sir.

Mr. JODON. What was its market value?

The WITNESS. The one that he had traded for, the one he last possessed?

Mr. JODON. Yes; the first homestead.

The WITNESS. His first homestead I would consider to be worth \$3,500 to \$4,000. He traded that to Mr. F. Kiber for thirty acres of land at the place where he last lived, and how much to boot he gave I do not know, but I heard that Mr. Moore gave some difference to Kiber.

Mr. JODON. It was some \$1,600 worth of notes.

Mr. MOORE. It was \$1,500 and the interest on it, which made it \$1,600.

Mr. JODON. That would bring the value of his homestead up to \$5,000.

The WITNESS. Yes, according to that it would. It was one of the most beautiful locations for a homestead, had good houses on it, a good stable on it, hot-houses, nice fruit-trees and shrubbery of all sorts, and was in a desirable location. I know that Frank Robinson, who stated here it was not worth more, I know that he renders his place for more than what Mr. Moore got for his when he sold it; he renders it more

for taxation. Mr. Robinson's house is better than Mr. Moore's was, but his place is not in nearly so good a location. Mr. Moore's property was right on the big road, and the biggest portion was within the city limits. It is sloping, hilly, and a beautiful site or location for a residence for any man who is able to have it and live there and have his business in town. For such a man, money could hardly buy it. Of course there is poor land on it, but there is also good land on it.

Mr. JODON. How long have you been acquainted with Mr. Moore?

The WITNESS. I have known Mr. Moore intimately for fifteen years.

Mr. JODON. State what his reputation there is as a man, and has been as an officer, and also as to the associations of his family, whether they associate with the best families.

The WITNESS. Mr. Moore's reputation as an honest, upright man I never heard contradicted until I came here. He can visit any society that any other man can visit there. I know Mr. Moore has been an eminent commander of the chapter there in the Masonic order; I know he has been chief of the fire department, and he has been master of the lodge several times, and stood high in the community. His family I know could visit any family that anybody else visited in that city. My wife and Mrs. Moore were raised together, and went to school together, and I know what my wife has told me about her.

Mr. JODON. State your knowledge of Mr. Hackworth's reputation as a man; is he regarded as an honest man, or otherwise?

The WITNESS. Mr. Hackworth is a strictly honest man, and will pay every debt that he owes, if they will give him time. He does not owe near as much as some of the men who have come up here and testified for the defense, lots of them that I know.

Mr. JODON. From your general knowledge of the public opinion there, what would you say is the cause for the dislike to Mr. Hackworth in that county?

The WITNESS. He is just like any other Republican. If he takes an active part in politics, and doesn't go to suit certain parties there, in their way, just like I have been treated, then his reputation is slandered, and they say he is no account, and everything of that sort.

Mr. JODON. How long have you known Mr. Schutze?

The WITNESS. I have known Mr. Schutze ever since 1873.

Mr. JODON. Do you know anything about the divorce which has been spoken of here by witnesses?

The WITNESS. Yes; I do know more about it, I expect, than anybody.

Mr. JODON. State what it is that you know.

The WITNESS. I do not like to tell——

Mr. JODON. You need not go into the details why it was gotten, but I want to know whether he got it or his wife got the divorce.

The WITNESS. Mr. Schutze sued for a divorce and got it. Mr. Breedlove was employed by Mrs. Schutze to defend her. Judge I. B. McFarland, after hearing the evidence in the case (I was one of the witnesses in the case myself), granted Mr. Schutze the divorce and also ordered that the lady go by her maiden name.

Mr. JODON. Do you know what the circulation of his paper was when he had to leave there?

The WITNESS. As near as I can come to it, the circulation in Washington County was about 800; he had 800 old subscribers. But he had other subscribers in Austin and Fayette Counties and other surrounding counties.

Mr. JODON. Was his subscription list increasing or falling off, to your knowledge?

The WITNESS. It was increasing continually. I was one of its agents, and right in the little town of Burton, right in a small place, I had over 90 names myself, of Germans who took his paper there. A few miles farther, at Long Point, there were 30 odd more, and at Seidelman's, 20 to 30, besides subscribers at other places. It was the German paper of the county.

Mr. JODON. State how Mr. Schutze stood with the Germans in that county?

The WITNESS. He stood well, and stood well with some of them who came here to testify, until this thing came up.

Mr. JODON. What influence did he have over the German population there?

The WITNESS. He had a great deal of influence with them. He is a good writer, and he always told them the truth in his paper. When crimes were committed he did not try to defend them, but tried to let the people know in the paper what went on, and was fearless in doing so. Even after he was attacked and beaten by a certain party for what he had published in his paper——

Mr. JODON. Who was the man who did it?

The WITNESS. C. C. Boyd, a Democrat and a deputy sheriff under Mr. Dever. I do not know that he was a deputy then, but he is now. One thing I wish to say, if I am allowed to state it. There has been a great deal said here about Mr. Schutze's moral character. It will compare favorably with that of many who have testified here.

Mr. JODON. State whether or not Mr. Schutze and Mr. Riggs, the Presbyterian minister, visited each other and associated together.

The WITNESS. Yes; I have seen them. I know Mr. Schutze visited Mr. Riggs, and Mr. Jesse, the Lutheran preacher, also, and Mr. Urbanke, the Methodist preacher, came up often to consult with Mr. Schutze and visited him, and Mr. Rooker, another minister, I have seen him there. I believe he is the Episcopal minister; also Mr. Grondo and others associated with him and visited him, and also wrote articles for his paper.

Mr. JODON. Have you ever known Mr. Schutze to sing in any of the church choirs there?

The WITNESS. I never heard him, but I know he sang in the choir of Mr. Riggs's church.

Mr. JODON. In the Presbyterian Church?

The WITNESS. Yes, sir.

Mr. JODON. How long ago?

The WITNESS. Not long back.

Mr. JODON. Within the past year?

The WITNESS. I think it has been a less time than that.

Mr. JODON. Do you remember when I was connected with the Independent newspaper, and of my writing an article that aroused a good deal of feeling among the Germans there, in which I stated, in the local column, that the Germania Club had a bar-room connected with it, and that some ladies of my acquaintance had stated they would not attend a ball there on account of it?

The WITNESS. Yes, sir; I believe that is the paper that Mr. Watson owned.

Mr. EUSTIS. Is this rebuttal testimony?

Mr. JODON. Yes; it is.

The WITNESS. I remember that article at that time in the paper; I read it myself, and they were very angry at you.

Mr. JODON. Were any of those parties who have testified here, Mr. Hodde or Mr. Fisher, or any of them?

The WITNESS. Yes, sir; Hermann Fischer, Fritz Fischer, and Dr. Tristram. They all belonged to the Germania Club, and I belonged to it myself at one time.

Mr. JODON. Did Mr. Reichardt and Mr. Hodde belong to it?

The WITNESS. Yes, sir; both of them, and I believe Henry Muller, the editor of the paper there, he was president of it. I know that, because they rendered their property to me for taxation.

Mr. JODON. Do you remember whether Mr. Schutze upheld me in writing the article or denounced me for it?

The WITNESS. He upheld you.

Mr. JODON. Tell me, if you know, what is the reason that these witnesses have been here and have testified to his bad character; whether there is any other reason; whether he associated with them and went with them or denounced them?

The WITNESS. Mr. Schutze took a bold stand in his newspaper, and denounced them whenever he thought they had done wrong. Another thing, Mr. Schutze never associated with them, because there is a certain class of Germans there who want a man if he is poor to just get down on his knees before them, and that has been my misfortune with them, not alone Mr. Schutze, but several other Germans. If you do not go and do and act with them and agree to everything that they say they are down on you and have no use for you, and it is nothing but personal hatred mostly, I believe.

Mr. JODON. Do you know anything about the circulation of Henry Muller's paper, the Volksbote; is it going down, or increasing, or standing still in the matter of circulation?

The WITNESS. I never knew it to have much of a circulation since it started.

Mr. JODON. How is it now in that respect?

The WITNESS. The Germans have dropped off and are continually dropping off as subscribers. The only increase in the circulation that I have known of was the increase Mr. Muller had during the election when he wrote these incendiary articles against us, as I may call them. When he wrote them every officer on the People's or Democratic ticket bought up his papers by the hundred and spread them through the country; they had a man going on horseback through the country spreading them all over. On the Sunday that I went about to distribute the circular that Mr. Schutze had written in reply after Mr. Muller's paper came out, everywhere I came I found the Volksbote had been sent there, and some of them were lying in the road where they had been dropped off at this and that place. I do not believe Mr. Muller has got a circulation of 300 to day altogether.

Mr. JODON. Did Mr. Muller in his paper approve and uphold the acts that were done up to the time these parties left, if you know anything about it, and during the election and before it?

The WITNESS. Mr. Muller took a bitter stand against the Republicans. He claims to be a Republican, but he has not acted with them for several years. Even when the committee in Burton asked him, after that indignation meeting was held at Burton, to publish the articles that they had written out, the resolution which they had passed—

Mr. JODON. Do you mean the one that appeared in the Galveston News?

The WITNESS. Yes, sir; the same one that appeared in the Galveston News. They asked Mr. Muller to write it in his paper, and also asked

the Banner to write it, but they never did write it. Mr. Muller stated that he wrote the substance of it, but he did not do it. It never appeared in his paper. I have got every one of his papers and know it did not appear. He said there was no use publishing it at all.

Mr. JODON. Can you tell us how many Germans voted for the Republican ticket last election; you canvassed the county fully?

The WITNESS. Yes; especially among the Germans.

Mr. JODON. State to the best of your knowledge how many of them voted for the Republican ticket.

The WITNESS. I am satisfied from the returns shown at the various white boxes that we got fully one-half if not two-thirds of the German vote.

Mr. JODON. Do you mean the foreign vote entirely?

The WITNESS. I am talking about the German vote, not about the Bohemian vote.

Mr. JODON. How many Bohemian voters are there in Washington County?

The WITNESS. The only settlement of Bohemians that I know of is at North Wesley, right on the line of Austin and Washington Counties. Further up there is a little settlement called Pond Creek. I do not expect that altogether in Washington County there are over one hundred Bohemian votes.

Mr. JODON. Do they all vote the Democratic ticket, to your knowledge?

The WITNESS. With the exception of about a dozen, I think they do. I can name a dozen Bohemian Republicans.

Mr. JODON. How have the Germans of that county voted since the war—for the Democratic or Republican ticket?

The WITNESS. They have always voted the Republican ticket.

Mr. JODON. When did they first begin to vote the opposition ticket?

The WITNESS. In 1884, two years ago, with the exception of some Germans who lived in German surroundings, men who had lived there for years; there were some Democrats among them.

Mr. JODON. You mean men who lived there before the war?

The WITNESS. Yes; some who had lived there before the war, and some who were born there.

Mr. JODON. Have you had any conversation with Reinhardt Hoffmann, who testified here, after he left the witness stand, in regard to Mr. Hackworth?

The WITNESS. I had a conversation with Mr. Hoffmann after he left the stand, right here in this room. I asked him, says I, "Do you think that Steve Hackworth could have lived in Brenham or could have staid there with safety?" And he says, "No, sir."

Mr. EUSTIS. Is Mr. Hoffmann here?

Mr. JODON. He was examined as a witness.

Mr. EUSTIS. Is he here now?

Mr. JODON. I do not know whether he is here or not.

Mr. EUSTIS. I submit that this testimony is not proper as to what he said, after he had gone.

Mr. EVARTS. It is in rebuttal.

Mr. EUSTIS. It is in rebuttal to what?

Mr. JODON. Simply that the witness said off the stand what he did not say on the stand.

The WITNESS. If the committee will allow me I will say that I would rather not have stated it. Mr. Hoffmann is a particular friend of mine, and I think a good deal of him.

Mr. EVARTS. It is strictly in rebuttal. We could not ask Mr. Hoffmann while he was a witness about this, because it is something that took place after he left the stand.

Mr. EUSTIS. It is a question of fairness to a witness who is not here to contradict it.

The WITNESS. I can state what he said and you can let it in if you think proper.

Mr. JODON. I have no objection to its being stricken out. (To the witness): I will ask you if Mr. Schutze has any backers of financial standing down there?

The WITNESS. Yes, sir; Mr. Albert Werner has backed Mr. Schutze and is still backing him. He is worth between \$75,000 and \$100,000. There is Mr. Julius Lehman, also, a man who is worth \$25,000 in real estate; they were his backers.

Mr. JODON. I would like to know whether they confided in him and trusted him as an honest man in business matters?

The WITNESS. They trusted him; they had money in his hands. I know also that Mr. Schutze, as a lawyer, had charge of the Seidel estate, worth from \$50,000 to \$60,000, and had an order at one time to draw \$12,000 from Kauffmann & Co., of Galveston, and did not draw it; he afterwards disposed of it in another way. But I know they paid Mr. Schutze a big fee to divide that estate. I also know that he managed several other estates there. I never heard until I came here that Mr. Schutze was dishonest. He may have contracted some debts, but I know if he has done so he will pay every one of them. I have loaned him money and he has had hundreds of dollars of mine, and he has paid me back every cent of it.

By Mr. EUSTIS:

Q. Do you know what Mr. Moore's property is assessed at?—A. Yes, sir; the property was assessed at \$2,000, and I can also state that it was formerly assessed, several years back, at \$3,000.

Q. Do you know what Mr. S. A. Hackworth's property is assessed at?—A. Yes, sir; last year his homestead was assessed at a thousand dollars. The year before I think I assessed it at \$1,200, and the year before I had it \$1,500.

Q. Do you know what Mr. Schutze's newspaper property was assessed at?—A. Mr. Schutze only got his press late last fall——

Q. I speak of the last assessment that was made.—A. The last year before he got that big press it was assessed at \$500. That was before he got his press.

Q. Have you been an active Republican?—A. I have.

Q. For how long?—A. I have been an active Republican, you may say (I haven't gone out to make speeches, but I have been an active Republican), since 1869.

Q. You are known in the community among Democrats and Republicans as an active Republican?—A. Not until 1878.

Q. I mean from 1878.—A. Yes, sir.

Q. What offices have you held there?—A. I have been deputy assessor.

Mr. EVARTS. We have had all that, I think.

Mr. JODON. Yes, that was in his former testimony.

The WITNESS. Some of it, not all of it.

Q. You are the gentleman who was asked by the citizens' petition to run as a candidate on the People's ticket?—A. Yes, sir; I was.

Q. You had been in office before that. Were you elected in 1884?—
A. Yes, sir; I was elected from 1878 on—every two years, every election.

Q. On the Republican ticket?—A. Yes, sir; on the Republican ticket.

Q. And you were elected in 1884 also?—A. Yes, sir; I was elected in 1884 on the Republican ticket.

Q. And in 1886?—A. Yes, sir; I was elected on the Republican ticket.

Q. And are now in office?—A. Yes; I have my office now.

Q. When was it that Mr. Schutze had this large succession case that you speak of; what year was it?—A. I think the last of it was settled up last year.

Q. I mean when did he first have charge of that succession case; when did the party die?—A. Mrs. Seidle, I think, died about two or three years ago—Mrs. Mary Seidle. I think he settled the estate up last year.

By Mr. EVARTS:

Q. You have spoken of the assessments that you had put on various items of property out there, the property of different owners. What is the ordinary rate of assessment there as compared with what is called the market value? There is in all places some general rule of that kind, and I suppose it exists there as well as everywhere else?—A. Yes, sir; I have tried to establish a rule there to get it at a fair valuation, but I never could, and I never have been upholden in it, because my predecessors had taken property at almost any value that a person might give it in for. Now, there is land there that I assessed at \$10 an acre when its market value is \$30; land that you could not buy for less than \$25 or \$30 an acre. I have brick houses in Brenham assessed (I think some for Colonel Giddings) at 50 cents on the dollar, and some, of course, at a higher rate.

Q. But how is it, ordinarily?—A. The ordinary way I think is to make the assessment at about one-half, and maybe a little over.

Q. You try to equalize it in that respect?—A. Yes, sir.

Mr. JODON. Please tell what Mr. Schutze's newspaper material consisted of before he got the press?

The WITNESS. It consisted of type and everything that is necessary to belong to a newspaper.

Mr. JODON. Didn't he have his newspaper printed or run off at the Banner office?

The WITNESS. Yes, sir; the Banner struck off the newspaper for him.

Mr. JODON. He just merely had the material to set up the forms?

The WITNESS. Yes, sir; and then he got a big, fine, power-press.

TESTIMONY OF PAUL FRICKE (recalled).

PAUL FRICKE was recalled and further examined.

Mr. JODON. A colored man named Gus Hopkins has stated on the witness stand here that there was a meeting held at your warehouse, he did not state when—but he said that a number of men went there and consulted together and came to an agreement that they should kill Gus Hopkins, Algie Hunt, and his son. Did you ever know or hear of such a meeting?

The WITNESS. No, sir; I do not know anything about it.

Mr. JODON. Had you ever heard of it till you came up here?

The WITNESS. No, sir; I never did. I suppose you know that very well yourself, that they were afraid to come around there and see me.

Mr. JODON. Has your office there been used at any time for holding a general meeting of any kind?

The WITNESS. No, sir.

Mr. JODON. Do you know anything about the standing and reputation of Mr. Hackworth in that community as an honest, reputable man, or otherwise; if you do, please state what you know about it.

The WITNESS. As far as I know, his standing and reputation was good.

Mr. JODON. Has the dislike in the community against him been because he is a dishonest man generally, or has it been caused from political dislike of him?

The WITNESS. The only dislike was on account of his politics; that was the reason why there was ill-feeling towards him.

Mr. JODON. I believe Mr. Hackworth is known as a pronounced temperance man, is he not?

The WITNESS. Yes, sir.

Mr. JODON. He is known as a prohibitionist?

The WITNESS. Yes, sir.

Mr. JODON. He has made speeches on that subject?

The WITNESS. He has.

Mr. JODON. Do you know whether or not his position as a temperance man has brought upon him the dislike of any portion of that community, especially of the Germans?

The WITNESS. Of course, in that respect he made a great many enemies.

Mr. JODON. Any of them witnesses who have been upon the stand here?

The WITNESS. Yes, sir.

Mr. JODON. Who were they?

The WITNESS. Every German who testified here, and I suppose every other one of the men who testified.

Mr. JODON. Were the most of them who were here engaged in selling liquor?

The WITNESS. Yes, sir; some of them.

Mr. JODON. Do any of them support the temperance cause?

The WITNESS. None that I know of, except young man Curry.

Mr. JODON. I speak of the Germans.

The WITNESS. No, sir; none of them.

Mr. JODON. Do you know anything about Mr. Schutze's financial standing and whether he has any backers there?

The WITNESS. I do not know much about that. I cannot say his financial standing was bad, because I never heard a man say that he owed a dollar. I heard one man say that if he had staid there he would have helped him, even if it took a thousand dollars.

Mr. JODON. Who was that?

The WITNESS. Mr. Julius Lehmann.

Mr. JODON. When did he say that?

The WITNESS. After he had left there.

Mr. JODON. What is Mr. Julius Lehmann's standing in that community?

The WITNESS. He is a reliable and honorable man; just as good a citizen as there is in that county.

Mr. JODON. Is he a man of property?

The WITNESS. Yes, sir; he is very well off.

Mr. JODON. Do you know who Mr. Albert Werner is?

The WITNESS. Yes, sir.

Mr. JODON. How does Mr. Schutze stand with him?

The WITNESS. I think first class.

Mr. JODON. What do you know about his connection as attorney with the Germans there and his helping them in lawsuits; had he any cases of that kind?

The WITNESS. Yes, sir; he had. In regard to what part he controlled I could not say; but I think he controlled the greatest portion of them.

Mr. JODON. Has there been a term of our court in which Mr. Schutze has not acted as attorney for years past?

The WITNESS. I am not an attorney, and have not been in the courthouse for two years—since the last administration. I have no business there, and so I could not say; but from my dealings with Mr. Schutze I know that he had a great many cases there.

By Mr. EUSTIS:

Q. Is Mr. Lehmann the gentleman who had an interest in his paper?

—A. That is more than I can tell you.

TESTIMONY OF N. E. DEVER.

N. E. DEVER, having been duly sworn, was interrogated as follows:

Mr. JODON. You have been sheriff of Washington County since 1884?

The WITNESS. Yes, sir.

Mr. JODON. Will you state as to your going down towards Graball and Flewellen one night after these negroes were arrested; whether you went down there, and how you came to go.

The WITNESS. I was called down there by a telegram.

Mr. JODON. Did you place anybody on guard at the jail before you left?

The WITNESS. I did.

Mr. JODON. Who did you place there?

The WITNESS. I left a deputy of mine with three or four men, and put a military company there.

Mr. JODON. Please state if you met anybody during that night on your trip down there; and, if so, where you met them.

The WITNESS. I was not in town when that telegram came, but I went in town about dark to summon a few men to go with me, and there were telephone messages sent to Burton, Chapel Hill, and Independence, as the result of receiving that telegram.

Mr. JODON. How many men did you take with you?

The WITNESS. I think it was ten or a dozen.

Mr. JODON. Were they all armed?

The WITNESS. Yes, sir.

Mr. JODON. Were they deputies; your posse?

The WITNESS. Yes, sir; I summoned them to go there.

Mr. JODON. They were special deputies, were they—specially deputized by you?

The WITNESS. Yes, sir.

Mr. JODON. For this excursion or trip?

The WITNESS. Yes, sir.

Mr. JODON. Please state where you met the first body of men on your route down there, and at what time of the night you met them.

The WITNESS. I think it must have been about 10 o'clock at night, or may be it was 11 o'clock.

Mr. JODON. Where did you first meet them?

The WITNESS. I met them out there on the Washington road, near Morgan's.

Mr. JODON. How far from Brenham?

The WITNESS. About 5 miles.

Mr. JODON. Do you know where those men came from—what direction?

The WITNESS. They came from Independence.

Mr. JODON. Did you meet any coming from Washington?

The WITNESS. No, sir.

Mr. JODON. At no time on your trip?

The WITNESS. Yes, sir.

Mr. JODON. Where did you meet them?

The WITNESS. About Earlywine's.

Mr. JODON. Did you meet any from Chapel Hill?

The WITNESS. No, sir.

Mr. JODON. You met no person from there?

The WITNESS. No, sir.

Mr. JODON. Did you find any from any other point in the county collected together?

The WITNESS. Not until that night, when we went down to Joe Jackson's and stopped there.

Mr. JODON. Did you recognize any of those men you met there in the bottom?

The WITNESS. Yes, sir.

Mr. JODON. Please state their names.

The WITNESS. With the first squad I met was Clay.

Mr. JODON. What Clay?

The WITNESS. Tom Clay.

Mr. JODON. Capt. Tom Clay?

The WITNESS. Yes, sir; and Billy Dever.

Mr. JODON. Your brother?

The WITNESS. Yes, sir. There was also George Stewart, Carter Hurston, and Coney Bryant.

Mr. JODON. A brother of L. R. Bryant?

The WITNESS. Yes, sir, and Jim Robinson, I believe. That is all I remember, and I believe those were all that were there.

Mr. JODON. Did you, or not, find a good many men in the bottom there besides those? How many men did you meet that night in the crowd?

The WITNESS. That was all that I met there.

Mr. JODON. How many did you meet at other points that night together? Were those men all armed?

The WITNESS. Yes, sir.

Mr. JODON. All of them?

The WITNESS. Yes, sir.

Mr. JODON. What date was this?

The WITNESS. It was just after the negroes were put in jail accused with having killed Boulton.

Mr. JODON. Was it on the 8th of November?

The WITNESS. I think it was on the 8th of November; you all have the telegram here.

Mr. JODON. The negroes who had been accused of the killing of Boulton were in jail then?

The WITNESS. Yes, sir.

Mr. JODON. That was before they had been removed to Houston?

The WITNESS. I think it was the 8th, and I think they were taken to Houston on the 9th.

Mr. JODON. Did the parties you met there state their purpose in collecting together?

The WITNESS. No, sir. They just said they had been notified that there was trouble expected, and they were coming to see.

Mr. JODON. Do you mean trouble at night?

The WITNESS. Yes, sir; and they went on with me down to Graball.

Mr. JODON. Didn't you inform them there that you had placed a military company over the jail, and that it was useless for them to go there; that there would be trouble and some would be injured if they went there?

The WITNESS. I told them there was a good guard at the jail.

Mr. JODON. Did you tell them anything further?

The WITNESS. No, sir; I told them I had put Captain Pennington there with his military company with orders to allow no men to go into the jail or the jail yard.

Mr. JODON. Did you tell them they had better not go on in that direction?

The WITNESS. No, sir; they did not want to go; did not say anything about going; they said they just came up to assist me; that they had been informed there would be probably an insurrection.

Mr. JODON. From whom was the insurrection apprehended?

The WITNESS. From the negroes.

Mr. JODON. Within your knowledge as sheriff, was there any basis whatever for supposing there would be an uprising of the negroes?

The WITNESS. I really did not think so.

Mr. JODON. Have you ever learned anything since which would make you believe it?

The WITNESS. I did not apprehend any danger except when I received that telegram and went down there. There are but few white people in that end of the county, and the women and children down there were terribly frightened. That was the cause of that meeting and the cause of that telegram being sent to me.

Mr. JODON. Did you of your own knowledge, up to that time, know of any acts by negroes pointing to an insurrection, or have you ever learned since anything which would show that they intended to rise?

The WITNESS. No, sir; I do not know that I did.

Mr. JODON. Is it not acknowledged in Washington County that there was no ground whatever for the belief that the negroes would uprising in an insurrection?

The WITNESS. Well, only those people being scared, and the day we went down there you couldn't see any of the negroes, or but very few.

Mr. JODON. Don't you know from general report that the negroes were so scared that they had hidden out; don't you know that that has since developed as the reason they were absent, that they were too scared to come out?

The WITNESS. I do not know what was the cause. They have come out since, and there is no trouble.

Mr. JODON. Have you not heard that was the reason, that they were so badly scared that they did not dare to show themselves; haven't you heard that talked of?

The WITNESS. Yes, sir.

Mr. JODON. When were the negroes removed from Brenham jail to Houston—the next day after you went down there?

The WITNESS. Yes, sir; I think it was on the 9th.

Mr. JODON. Please state what the cause of their removal was.

The WITNESS. It was just from excitement.

Mr. JODON. Didn't you think they were to be lynched; were there not such rumors?

The WITNESS. They were removed when I was absent.

Mr. JODON. Don't you think they were removed for safety, fearing they would be lynched?

The WITNESS. That night Captain Pennington did not like to guard the jail, and Colonel Giddings and Mr. Rodgers, I think, next day thought best to move them away from there.

Mr. JODON. For what reason; fearing they would be lynched?

The WITNESS. Yes, sir.

Mr. JODON. To whom did Colonel Giddings say this?

The WITNESS. He, I think, assisted in getting them off.

Mr. JODON. Did he tell you so?

The WITNESS. Yes, sir.

Mr. JODON. He told you so?

The WITNESS. Yes, sir; and furnished them money. It was reported down there that one cause of their going off was that the negroes in that end of the county said if they were not turned loose by Thursday they would come and turn them out themselves.

Mr. JODON. Do you know of that of your own knowledge?

The WITNESS. No, sir; it was just general report, general rumor.

Mr. JODON. You do not know whether it had any basis or not?

The WITNESS. I do not.

Mr. JODON. Do you believe that the negroes would have done so, from your knowledge of the county and of the negro character?

The WITNESS. I did not think there was any danger.

Mr. JODON. You met some Washington people in the lane near Earlywine's that night; state who they were.

The WITNESS. Cobb McKinney, Sam Hatfield, and John Ewing, I think.

Mr. JODON. Is that the John Ewing under indictment for the murder of Miller?

The WITNESS. Yes, sir.

Mr. JODON. Was Tom Evans along with the crowd?

The WITNESS. No, sir; Tom Evans was in Brenham.

Mr. JODON. Do you remember any others who were in that crowd?

The WITNESS. I think one of the Buchanan boys was in the crowd.

Mr. JODON. Was that Jake Buchanan?

The WITNESS. It was the tall one.

Mr. JODON. That was Jake. Were those men that you met Republicans or Democrats?

The WITNESS. Democrats, I reckon.

Mr. JODON. All of them Democrats?

The WITNESS. Yes, sir; I think so.

Mr. JODON. There were rumors of an uprising in Washington precinct?

The WITNESS. Yes, sir.

Mr. JODON. Did you not think it was rather odd that these men would leave the precinct and come towards Brenham, leaving those people unprotected?

The WITNESS. Well, it was in the Graball neighborhood.

Mr. JODON. That is where the most of the trouble was apprehended.

The WITNESS. Yes, sir; at Graball.

Mr. JODON. Did you not think it was rather strange that those men would leave there at that time of night and come towards Brenham, leaving their families unprotected, if they felt in danger?

The WITNESS. Well, it was 5, 6, or 7 miles from Graball and Washington; that is, from the Flewellen box.

Mr. EVARTS. Very well; we can reason about that ourselves, whether it was strange or not.

Mr. JODON. Did or not any of those men tell you that any of those men were coming to Brenham for the purpose of lynching those negroes?

The WITNESS. No, sir.

Mr. JODON. None of them?

The WITNESS. No, sir.

TESTIMONY OF CHARLES BAUER (recalled).

CHARLES BAUER was recalled and further examined:

Mr. JODON. Are you acquainted with Mr. Schutze's reputation among the Germans, as to his influence, the circulation of his paper, his financial standing among them, and his connection with them as an attorney?

The WITNESS. Yes, sir.

Mr. JODON. Please state what it is.

The WITNESS. Since the last election campaign and since the election I heard him abused a good deal, and I have made inquiries what the charges were against him, but I could not learn anything definite at all. Some said, "Well, you know his associations with the negroes," and others would say, "He is no account," and others had other excuses, such as I could not learn what it meant.

Mr. JODON. Was there any general reason given; was it political or otherwise; was any general reason for it expressed?

The WITNESS. No, sir; I could not find out anything.

Mr. JODON. What can you say about his standing among the Germans? He edits a German paper; what is his standing as editor and publisher of a paper among the Germans?

The WITNESS. He stands very high among the Germans.

Mr. JODON. Did his paper circulate considerably among them, or otherwise?

The WITNESS. So far as I know it had the largest circulation of any German paper in that neighborhood in Washington County. I have personally stopped the other paper, the Volksbote, on account of his being the best edited paper.

Mr. JODON. The Volksbote is published by Henry Muller?

The WITNESS. Yes, sir.

Mr. JODON. Do you know anything about Mr. Schutze's standing as an attorney among the Germans; do they get him as an attorney to represent them in cases or not, within your knowledge?

The WITNESS. I do not know; I could not tell you. I was not intimately acquainted with him, but knew him, and that is about all.

Mr. JODON. Do you know anything about Mr. Hackworth's reputation and standing as a man in Washington County?

The WITNESS. Yes, sir.

Mr. JODON. If there is any dislike towards him, what does it arise from ; his being dishonest, or is it because of his politics?

The WITNESS. It is just the same way in his case, I never could learn anything. I never could hear any charges against him, only that he was a leader of the negroes, that he was a shrewd politician, and so on.

Mr. JODON. All the reasons that you heard, then, were political?

The WITNESS. Yes, sir.

Mr. JODON. You could not get any specific charges against him otherwise?

The WITNESS. No, sir.

TESTIMONY OF JAMES E. SLATER.

JAMES E. SLATER, having been duly sworn, was interrogated as follows:

By Mr. EVARTS:

Question. Where do you live?—Answer. I live in Brenham, Washington County, Texas.

Q. How long have lived there?—A. Since February, 1867.

Q. What is your occupation there?—A. I am a telegraph operator.

Q. At what station?—A. At Brenham, Tex.

Q. Are you the principal officer in charge there?—A. Yes, sir ; I am the manager and operator.

Q. What line of telegraph?—A. The Western Union Telegraph Company.

Q. Is there any superior authority down there over you in that line of business?—A. Not in Brenham, Tex.

Q. Have you been subpoenaed to produce a telegram here?—A. Yes, sir.

Q. What is it that you are directed to produce?—A. I was directed to bring some telegrams here.

Q. Well, what are they that you were directed to bring here?—A. I was directed to bring some telegrams here, but my superintendent ordered me not to bring them.

Q. What were they?—A. I could not remember unless I saw the subpoena. They are described in the subpoena.

Q. Do you remember that one of them was to produce a telegram from Judge Lafayette Kirk to Dewees Boulton, or D. D. Boulton, his father?—A. I remember the subpoena stated such a dispatch and several others.

Q. Have you it with you?—A. No, sir.

Q. Why have you not produced it?—A. Because my superintendent ordered me not to bring them.

Q. Who is your superintendent?—A. L. C. Baker, the superintendent at Saint Louis.

Q. How came you to communicate with him on that subject?—A. It becomes my duty, laid down by a certain rule by which we are governed, to refer all matters of that sort to him, to Mr. Baker, our superintendent.

Q. Have you received any written instructions from him?—A. Yes, sir.

Q. Have you got them with you?—A. I think so.

Q. Very well, let us see them.

The witness produced the paper called for and handed it to Mr. Evarts.

Mr. EVARTS. I will read this. This is received at Brenham, February 12, dated Jefferson City, Mo., 11th of February, and addressed to Mr. J. E. Slater, Brenham.

"Senatorial committee should provide transportation and traveling expenses if they desire your presence. Messages cannot be taken from our files. Those files are in direct charge of the company's officials, and we must decline to produce them."

Q. Is that the only excuse you have for not producing these messages which have been called for?—A. Yes, sir.

Q. You had this message in your possession, did you not?

The WITNESS. What message?

Mr. EVARTS. The message from Judge Kirk to Mr. Boulton.—A. I had all the messages on the files of the office, but I haven't them in my personal possession here; they are on the files of the office.

Q. When you were subpoenaed you had in your possession this message?—A. Yes, sir.

Q. And you looked it up, and had it ready to produce if you had not been instructed otherwise?—A. Yes, sir.

Q. And you did not bring it here with you?—A. No, sir; I did not.

Q. So as to have it determined here whether you could be compelled to produce it?—A. I respectfully submit, Senator, that I do not see how I could, with that message, do so. You are a stockholder in the Western Union Telegraph Company yourself, and know the requirements of the company.

Q. I only ask for the fact.—A. No, sir; I did not; I could not do it, with that order.

Q. You did not bring it here, so that the matter could be determined here?—A. No, sir; I did not bring it. I have not the telegram or the telegrams required by the subpoena.

Q. I am only asking you about one. Do you know whether that message was received by Dewees Boulton or D. P. Boulton?—A. That I could not tell you.

Q. What do you know or what have you heard on that subject?—

A. I could not know anything, but I will tell you the rule by which we are governed in such cases.

Q. The rule about sending them?—A. Yes, sir. I know the message was sent.

Q. My question is, do you know that it was received by Boulton, father or son?—A. I do not know that.

Q. Have you no knowledge of that?—A. No, sir; I have no knowledge of that.

Q. Has it never been reported to you that it had been received?—A. The rules of our company are these: That all messages are supposed to be delivered unless a notice to the office sending them is given saying they have not been delivered. The rule is to discharge any employé connected with the company who fails to give notice of non-delivery. Not getting that, I presume it was delivered.

Q. When was that message sent—at what hour of the day?—A. That I could not tell you. It was some time between 12 and 3 o'clock. I could not tell you the exact hour.

Q. Did you send it yourself, as an operator?—A. I did.

Q. And you sent it correctly?—A. I did so.

Q. Now, what was that message?—A. It would be impossible for me to remember it.

Q. You cannot remember it at all?—A. No, sir.

Q. You have no recollection of it?—A. No, sir.

Q. Did it make no impression on you at the time?—A. No, sir; not very much. There was a great deal of excitement that day.

Q. And this message related to that, did it not?—A. I do not know that it did.

Q. Did it not relate to the election and what was to be done?

Mr. EUSTIS. You call this witness's attention to a telegram. I do not suppose the rule of the office merely refers to the technical question of not producing the paper itself, but I imagine that under the rule he has no right to state anything at all about it.

Mr. EVARTS. The rule about sending that paper here is controlled at the present time by his not producing it, but my right to inquire what was inside of that message is not controlled by any superior officers of his or by any one else.

Mr. EUSTIS. Is not the object of the rule to have these communications considered confidential?

Mr. EVARTS. That may be. If this committee so decides, then very well, but not because a man has told him not to do it.

Mr. EUSTIS. That is the point I make.

Mr. EVARTS. The Western Union Telegraph Company controls the message.

Mr. EUSTIS. The mere paper, yes.

Mr. EVARTS. It physically controls that paper, and has sent out as an answer to our subpoena that it shall not be produced.

Mr. EUSTIS. That is what I say, to caution this witness; whether those instructions do not go beyond the mere possession of that piece of paper; whether they do not refer to the confidential character of the telegraphic dispatch.

Mr. EVARTS. I object to that as immaterial. Our rights as a committee examining this person, who has read that paper, cannot be controlled by the president of the Western Union Telegraph Company or anybody else. That answer controls the demand to produce the paper itself, but it does not control this committee as to its right to examine witnesses.

Mr. EUSTIS. Do you claim the right that the witness could be compelled to state the contents of a telegram?

Mr. EVARTS. Whenever he refuses to answer I will raise the question whether we can compel him or not.

Mr. EUSTIS. The point I make is whether everything in that dispatch is not considered by the company as confidential.

Mr. EVARTS. I do not care about the company.

Mr. EUSTIS. I do care, because if they refuse to produce the dispatch itself, does not the refusal go beyond the mere possession of a piece of paper? Does it not cover the contents of the paper as well?

Mr. EVARTS. I cannot control the production of the paper; whether I can follow it further and compel the president of the Western Union Company to have that paper sent here, is another matter. This witness has nothing further to say about that, and he stands excused from any personal contempt in not bringing the paper.

Mr. EUSTIS. But should we not caution the witness to understand exactly what those instructions mean?

Mr. EVARTS. I do not see what this committee has to do with warning the witness. If you have an objection to my question, of course you can state it.

Mr. PUGH. Would it not be well to ask the witness if there is any rule in his employment which forbids that he shall give the contents of the telegram? (To the witness.) Is there any rule which forbids

you to give the contents of that telegram, about which inquiry has been made, and about which you corresponded with your employers?

Mr. EVARTS. If any gentleman on this committee will object to my question, then of course I can entertain the objection.

Mr. EUSTIS. I do object.

Mr. EVARTS. Why? If the law of the land allows me to ask this question, of what importance is it to warn him that his superior forbids it?

Mr. EUSTIS. Because if it is a confidential communication and privileged, and if the witness is protected in asking it, then the question is not legal.

Mr. EVARTS. That is a question for us to say whether we will ask the question, and subsequently to say whether we will make him answer or not. But to say to him that his superior will not allow him to answer it has nothing to do with it, because the law has to determine that, and not his superior.

Mr. EUSTIS. His superior bases his instructions on what he considers the law.

Mr. EVARTS. That has nothing to do with us, his superior's opinion of the law.

Mr. PUGH. So far as I am concerned, as a member of this committee I am perfectly willing that the witness shall give the contents of that telegram—perfectly willing; but he ought to be advised or asked the question whether there is any rule governing him, as an employé of that corporation, which requires that he shall not disclose the contents of that telegram. We do not care if he is willing to give the contents, because I have no idea that the telegram is anything to be concealed. There would be more importance attached to it with the contents not mentioned than there would be if its contents were made public. But, so far as I am concerned, I am perfectly willing that he should answer if the rules of his corporation allow it.

Mr. EVARTS. I will then ask the question, and whenever the witness says he declines to answer for any reason, then we will pass upon the matter as to whether that is a good reason for declining. I will repeat my question: Did not that telegram relate to the election, and what was to be done?

The WITNESS. I could not answer that question, for two reasons: One is that the receipt of messages by telegraph is mechanical, entirely so. The other is that I regard my obligations as a telegraph operator to be such as to forbid my doing so.

Q. Do you mean to prohibit you if a court or a committee of the Senate have a right to inquire?—A. Yes, sir; from memory; I could not quote from memory.

Q. I understand that, of course; I did not suppose you could remember it any better. But do you consider it so confidential that you cannot answer to a court what its contents are if the court requires you to?—A. I regard that message as embodying that very idea.

Q. What message?—A. The message that you read. It is the unwritten law among telegraph operators that they are the confidential carriers of the world, and any man who would reveal the contents of a message would be outlawed by them and expelled by the company from their employment.

Q. We all understand that they are confidential communications and ought not to be communicated unless the execution of the law requires it. Now, in regard to the memory. Have you seen that message since you sent it?

The WITNESS. Have I seen that message since I sent it?

Mr. EVARTS. Yes.

A. I think I have.

Q. When did you see it?—A. I saw that message on the day that I got that subpoena.

Q. And you then read it?—A. Yes, sir.

Q. Now, can't you remember it; that was not mechanical, was it?—

A. I would not undertake to state the contents of that message.

Q. Why not?—A. Simply because I would not.

Q. Well, why?—A. You have my answer.

Q. Do you mean to say that you cannot remember?—A. I mean to say that I will not give the contents of that message.

Q. Do you remember it?—A. If I remember it I will not.

Q. That is not my question; do you remember it?—A. I do not know that I could or not.

Q. Will you try to remember it?—A. No, sir.

Q. Why not?—A. Because I cannot divulge the contents of that message.

Q. Then your only reason for not answering me now, here, is that you consider yourself forbidden to tell it?—A. Yes, sir.

Q. But for that you could tell it, could you not?—A. Quite likely.

Q. You have no doubt on that subject?—A. Not in the least.

Q. So you put yourself entirely on the fact that Mr. L. C. Baker has forbidden you to bring the message?—A. Yes, sir; or divulge its contents.

Q. And you decline now to answer this committee as to the contents of that paper which you do remember, for the reason that you will not do it?—A. (Rising from his seat.) Allow me, Senator Evarts, to say to you, sir, that I decline with all the respect that is due this honorable body.

Q. On that ground?—A. Yes, sir; on that ground.

Q. And on that alone?—A. Yes, sir.

Mr. EVARTS. Very well, we will not argue with you any further on that subject.

By Mr. EUSTIS:

Q. Have you that subpoena that was sent to you?—A. No, sir; I have not got it.

By Mr. EVARTS:

Q. Now, as to the original message itself or the one that you dispatched and which was delivered, if it was delivered—and you suppose it was delivered according to your rules or you would have heard of it—you have told us that you would have heard it was not delivered if it was not delivered?—A. Yes, sir; I should have received a notice of non-delivery.

Q. That you have explained. Now, have you ever heard that that message had been in the possession of Mr. Dewees Boulton or of his father?—A. I have heard that the message was found on the body of Boulton; I do not know anything about it myself.

Q. When did you hear that?—A. Since I came to Washington.

Q. You had not heard it at the time or about the time?—A. No, sir.

Q. Who did you hear that from?—A. It was confidential; I cannot answer.

Q. Cannot answer; why not?—A. Because the party who told me told me confidentially.

Q. Oh! I cannot recognize that. Who told you that?—A. If the committee do not shield me from a confidential arrangement (that I understand has been the rule heretofore of this committee, and I believe the applicant was sustained); of course if it has been the rule I will submit to it, but I appeal to the committee.

Mr. EVARTS. The committee has disposed of that question upon circumstances that seemed adequate to itself. It is not a sufficient reason, in an authoritative examination, to say that what a man has heard he has heard under confidence.

Mr. EUSTIS. Had you not better state to the witness the ruling that has been made and the reason why it was made; that if he has reason to believe that the question of his personal safety is involved, or that if this communication was made confidential, what the committee has heretofore done.

Mr. EVARTS. He seems to have had his own notion of what our rules were, but I said to him that we disposed of that question on circumstances adequate to our decision. But the general proposition is that when a witness is on the stand and is asked a question he has not a right to refuse unless he is an attorney or a priest or something of that kind.

Mr. EUSTIS. Would it not be well to state to the witness the circumstances under which the ruling was made?

Mr. EVARTS. I merely gave you a general answer, that we had disposed of the question by not exacting an answer upon certain circumstances, because they were satisfactory to us, but that we do not recognize the general proposition that a witness when asked a question that the law requires him to answer can excuse himself by saying that he heard it under confidence, unless there is some ground of confidence that the law recognizes, such as between a client and his lawyer, a priest and a penitent, or a physician and a patient. Those confidences are recognized by law. Now we are not aware of any reason why you should shield yourself from this answer because it was told to you in confidence.

Mr. EUSTIS. You do not understand my position, I think.

Mr. EVARTS. You have not given us any reason why you should not give an answer, except that it was given to you in confidence. The other cases decided by the committee were under circumstances where the witness's safety was supposed to have given rise to the information given to them, and they felt bound under those circumstances not to answer, and the committee excused them. You have given us no reason except what you would call, and I have no doubt properly would consider, was told you in confidence. Now, is there any harm to come to you if you tell this?

The WITNESS. Oh, no, sir; no harm; it is only a question of honor, Senator.

Q. Then you must answer.—A. J. G. Tracy is my authority.

Mr. EVARTS. He has not been a witness here?

Mr. JODON. No, sir; he has not been on the witness stand.

Q. Was Mr. Tracy from Texas?—A. He was the United States marshal for the southern district of Texas, but he now resides in Washington City—in this city.

Q. Is this the only information that you have of that fact?—A. Yes, sir.

Q. Now, I will ask you more definitely as to the contents of this message from Judge Kirk to Mr. Boulton. Was this the message that was sent by you and that you suppose was received by Boulton, "Things look

mighty gloomy; get in your work," or "do your work," something to that effect? I do not want to lead you into an answer against your will.

Mr. PUGH. Do you think it is proper in that indirect way to get out of the witness what it is not his intention to disclose, and then leave the impression published that what you have asked him is true, that that was the contents of the message?

Mr. EVARTS. Those were the words asked of Judge Kirk himself.

Mr. PUGH. Under the rule the witness has declined to answer. Now, you have put in a question there which purports to give the contents of that paper, and the witness has already said he will not answer whether that is so or not, because he will not tell. Then the object of your question seems to be to give it out to the public that that was the contents, when it may be utterly false. Is that a fair way of examining the witness?

Mr. EVARTS. I do not say that. I have a right to bring him definitely to the question that the only reason he does not answer this question, in addition to the other one, is that he is forbidden by his principal.

Mr. PUGH. You did not ask that question to refresh him, for he has already stated that he knew the contents of the paper, and then there is no necessity for showing the contents in that way.

Mr. EVARTS. I did it to bring it so that he would say he does or does not recollect it. He has a right to say that he does not recollect it.

Mr. PUGH. He has already said that he does recollect it.

Mr. EVARTS. But I do not *know* that he recollects it.

Mr. PUGH. I understand the object of putting that question; it is very plain; but still I want to ask whether that mode of examination is proper.

Mr. EVARTS. He *thinks* that he recollects it, but I do not *know* that that is what he recollects.

Mr. PUGH. I understand. I have no idea that that was the contents of the paper, but still the world will never know what the contents are because the witness refuses to give them.

Mr. EVARTS. I do not know that. I do not know that we are to stop at his superior's control. I do not suppose there is any protection of the message.

Mr. PUGH. I do not want to protect it at all. I am perfectly willing for him to give the contents. No such telegram was ever sent to him, in my opinion, and I do not think there is any power on earth who can show it, but I am perfectly willing he should answer what the telegram was and give the exact words; perfectly willing.

Mr. EVARTS. Is there anything in this subpoena that you wish to remark upon, having seen it?

Mr. EUSTIS. No; I think it ought to go into the record.

Mr. EVARTS. I submit it to you, gentlemen, whether this question shall be put.

Mr. PUGH. I am opposed to putting the question in that shape, unless the witness states that he is willing to state the contents of the telegram, to which I do not object. If he is willing to state the contents of the telegram I am perfectly willing that he shall do it. But I do object to putting the question to him in that form, as to its contents, when he has already stated that he knew the contents and refused to state them because of his obligations as an employé.

Mr. EVARTS. Mr. Eustis, what do you say?

Mr. EUSTIS. I agree with Mr. Pugh.

Mr. PUGH (to the witness). We have no objection to your answering that question, or its being put to you in that form, if you will agree to state the contents of that telegram as you remember it. But if you do decline to state the contents because you are required by the rules of your employment not to do so, then I object to that question in that shape.

Mr. EVARTS. Do you object to answering that question?

The WITNESS. I cannot answer any questions in reference to that telegram or its contents.

Mr. EVARTS. On the ground of your instructions?

The WITNESS. On the ground of my instructions, and because of the unwritten law of telegraph operators that I have told you about.

Mr. EVARTS. Very well, then, we will not compel you to answer that, because we have not passed on that question yet, whether the orders of the telegraph company are to be superior. Now, there are some other papers here named in the subpoena that you were directed to produce, and that I will not spend much time about. Besides the particular message that we have inquired about, you are required also to produce messages sent by D. D. Bolton or Tom Evans to H. M. Lewis, or Garrard, Searcy, and Bryan and others at and about that date—that is, about November 2. What have you to say about those messages; have you brought them here?

The WITNESS. No, sir; I have brought no messages with me.

Mr. EVARTS. Have you in your possession such messages?

The WITNESS. I had some of the messages described.

Mr. EVARTS. You had some that are covered by this subpoena?

The WITNESS. Yes, sir; some of them.

Mr. EVARTS. And you have not brought them?

The WITNESS. No, sir.

Mr. EVARTS. Why have you not brought them—for the same grounds and reasons given before?

The WITNESS. Yes, sir; because I was ordered not to do so.

Mr. EVARTS. For the same reasons you gave in regard to the others?

The WITNESS. Yes, sir.

Mr. EVARTS. That is all I want to ask you.

Mr. EUSTIS. We have no questions at all. Do you propose to discharge this witness?

Mr. EVARTS. I suppose so. I do not propose to fight out the question on him. (To the witness.) You need not be detained any longer if you wish to go home.

TESTIMONY OF FLORENT D. JODON (recalled).

FLORENT D. JODON was recalled and further examined.

By Mr. EVARTS:

Question. There are some points, I understand, on which you wish to testify in rebuttal?—Answer. Yes, sir.

Q. Be very careful to confine yourself to topics in rebuttal.—A. I will do so as near as I can.

Q. You may state briefly what you desire.—A. I will speak first in regard to the attempt to get up some indignation meetings at Brenham on account of the bad state of feeling arising because of these outrages. A friend of mine, Mr. Paul Dawson, told me that he had written out a paper and took it around to a number of persons, among whom were

some merchants, for them to sign, and they told him that the state of feeling was such that it would not do to get up anything of that kind and they would not dare to do it. Dr. Bell, another friend of mine, tried to get one up and he says tried to do so on the same ground.

Q. What kind of meetings were they trying to get up?—A. Meetings to express the feeling of the law-abiding citizens against these outrages on the ballot-boxes, and the hanging of those colored men, and the sending of letters to parties warning them to leave the county.

Now, as to the contesting of the election, I want to say this: I know a number of parties who told me that it would not be healthy for those men to attempt to do it. Among others I remember young Pat Lockridge. He saw me and told me so at the Santa Fé depot. We were talking about it and he asked me if we were going to contest, and I said that Paul Fricke would surely do it and perhaps all of them, and then he said it would not be healthy for them to do so, and they would like to see them attempt it. I said, "You would not attempt to control the law and keep a man from filing his petition and carrying it through the courts?" I do not know that he made any reply on that subject.

On the night the negroes were hung I was at the Central depot with Mr. Buster, the policeman who has testified here, with Frank McIntire, talking. About 10 o'clock Mr. Milton Schley, the constable from Chapel Hill, came in there, and with him Bob Wright, who testified here, and who was one of the judges or clerks of the election at Flewellen. We got into a conversation, and Frank McIntire asked him, he says, "Schley, I wish you would tell me how you happened to go down to Flewellen, and what took place when you went there." Schley says, "About, I think, 1 o'clock a negro man named Peter Felder came to Chapel Hill with a note from Dick Robinson, the presiding judge there at the Flewellen box, and when I read the note I found it was a request on the part of Robinson to notify the sheriff at Brenham that a man had been killed out there."

Schley said he went and got up a posse, and among them were John Traylor, and a young man named Will Crockett, and a colored man who usually went with him in cases of that kind, and several other white men. He said they went across plantations, took the shortest cut, and instead of the guide taking them to Flewellen they came out between Flewellen and Graball; that when they found they were lost they rode back as fast as they could, until their horses were in a lather of perspiration when they reached there, and reached Flewellen, and stopped out in front about 40 or 50 yards from the house and hollered three times. He said there was a bright light burning in the house, in the room where the votes had been counted; the doors were open and they stopped at the gate and consulted whether or not they should go in. But prior to this time this negro man had told them that some one had been killed down there, and Schley said they got to talking about it and they would not believe it at first, but he stuck to it that there was, but he did not know who it was. At last they concluded that they had got into a fuss among themselves, and that some one of the election officers had been killed. When they stopped at the gate they consulted whether it would be safe to go up to the house. Mr. Traylor advised them to go up at once, and eventually they went up in a body. Before they got to the house they saw somebody approaching from the rear with a lantern, and these men came into the house about the same time, and they saw it was Dick Robinson, the presiding judge. Behind they saw Tom Evans with another posse, among them D. D. Bolton, Lockitt Bolton, and an old colored man.

He said D. D. Bolton and Lockitt Bolton would not go inside, but stood on the porch, and never did go in to see the man who was dead. He said he went in and he was the first man who saw him; that he saw a white-handled razor lying about 4 or 5 feet from the body. The man was lying across the doorway, with one of his legs drawn up, and from the looks of the blood and the position of the body he was satisfied he had never been touched. He said he thought his throat was cut, from the immense amount of blood which had run down upon his neck. He said there was a bloody cloth across the lower part of his face, and seeing the razor, it led him to believe his throat had been cut. He lifted the cloth up off his face and from his chin and saw that his throat had not been cut, but that his left eye had been shot into, and the blood was running down under his neck and on his body. He said to Dick Robinson, "Who did this?" Dick said, "When the proper time comes I will tell about it." Schley said, "That is too thin; we believe you killed him." I got up then and went to the front door of the Central depot and laid down on the floor, just in the position that old Alf Jones had told me that the man was lying when he saw him, and I got down on my back and drew up my left leg and asked Schley if that was the position he was lying in. I put my feet near the hinges of the door and asked if that was the position. He said yes, that was the position; that the shot struck his eye and some scattered over his face and into his neck, and one shot struck in the ceiling or on the side of the wall near him, I do not know which.

I asked at one time Bob Wright whether or not anybody had come into the polling place before the man was killed; I had heard that it had been said that Judge Kirk came in there, and I wanted to know whether Wright would state it so; and he said no one had come in at all. I then asked him if Judge Kirk had not entered the room. He said no, he had not entered the room. McIntire said: "That won't do, Bob, because Judge Kirk don't deny having been there." I asked Schley whether or not the man had a slicker on. Schley then got angry at me and said: "No, he didn't have a slicker on; he had a short sack coat on; and," says he, "you are trying to draw me into trouble." He says: "You are trying to make a witness of me." He says: "Is this a court-room?" I told him no, but my purpose was this: That there had been reports out that he had said he was the first man who got to see him, and that I wanted to know the truth, as I was attorney for the negroes in jail and wanted to know reliably. He then turned around to McIntire and says: "Frank, that man want's to pick a fuss with me." Frank said: "No; you entered into this conversation with him. I commenced it, and he was just asking, as I was, for courtesy." Schley then says: "Bob, come, let us go." And they went out on the platform, on the west end of it, and from his motions I was fearful of having a difficulty with him, and I had no arms, and as soon as he got up I walked quickly out of the door of the depot and passed down the other way and went home.

There was another thing Bob Wright said at the same time. I asked him if he saw the man when he came in at the door. He said, "I was not looking that way, and the shooting took place so soon that I hadn't time when he came into the door, and then I was half scared to death and was the first man out, and I did not really see what did take place."

I want to state another thing in regard to the feeling and talk that took place on the day this indignation meeting was held. Mr. Booker—

Q. Do you mean the Eldridge hall meeting?—A. Yes, sir; I mean the Eldridge hall meeting. Mr. Stannard Booker was then deputy

sheriff under Mr. Dever. He told me in the presence of Lockitt that he heard Captain Tom Clay, that Mr. Dever describes as having met in the bottom coming from Independence, he heard him say at the court-house that evening after the meeting was over that he would stay at the door of his court-house with his Winchester and shoot any damned Radical that would attempt to come in and take his office.

Now, as to Frank Robinson and Mr. Tristram. Neither one of them has denied the conversation they had in front of the drug store with me. It was on Sunday and we were discussing affairs. I knew that it had been said they would not permit the Republicans to take the offices whether elected or not. That was general talk, but I asked Frank Robinson how he felt about it. Frank says, "By God, with Schutze at the head of that ticket and that negro Wilder as county attorney," he says, "I am against their taking the offices even if they were elected; the Democrats ought to take them anyhow;" and Mr. Tristram said that that was the way he felt also.

A great deal has been said about the character of Mr. Hackworth here. Colonel Giddings has said that Judge Kirk's association with the negroes was such that it caused him to go down in his estimation. I know as a fact, because I was at one of the polls that day, that Judge Kirk ran behind in the city of Brenham from 20 to 60 or 70 votes, and the reason given was because he had associated with the negroes and had drank with them, and had become so low down in that respect that a number of good men would not vote for him. Paul Dawson was one, and so expressed himself openly on the streets. He said he had hollered himself hoarse two years before for Judge Kirk, but that there was not a man in Washington County that he would not vote for in preference to him. I know that one of his supporters in 1884, about three days before the election, in front of Graber's jewelry store, I asked him why he was supporting Judge Kirk. He said that Judge Kirk while campaigning had treated him well; he said that Judge Kirk had gone to his house and taken dinner with him and his family. I told that dozens and dozens of times to Judge Kirk's best friends and I never was called to account for it, nor was it ever denied by them.

Mr. EUSTIS. It hardly seems to me that this is testimony in rebuttal.

Mr. PUGH. We might just as well let him tell his story. He has to defend them as a lawyer; let him go on with his speech. I have no idea that Judge Kirk will be affected by these things in any way.

Mr. EVARTS. I am not interested in Judge Kirk or anybody else, but it does not seem to me to be in rebuttal.

The WITNESS. I will now proceed to state about the killing of the Hopkins boys. I was present in the county court-room when Mr. Breedlove conducted the examination before Judge Kirk. It was said it was for political reasons; there was a rumor that it was done for that purpose, but the Banner published an article denying it. The evidence on that trial was that one of these men who was killed by Dan Nelson—that the night before Dan Nelson had gone out with his band to a place in the country, and that one of the Hopkins boys, in fact, two of them, were out there, and one of the witnesses testified that he saw him ride around to the window of the church and fire his gun or pistol into it—one of the Hopkins boys. The next day it was testified to by several witnesses that Dan Nelson rode by one of the Hopkins boys' house, and one of the Hopkins boys was there and Dan said, "You boys tried to get me last night, but you will have to do better than that," and one of the Hopkins boys said, "You wait a moment and I will get you," and he went in and got his Winchester, and then Dan rode off.

It was also shown that they brought a Winchester down town that day, but it was seized and taken away from them, I think; that they had gone there different times back and forth right on the platform of the depot where Nelson was. It was proved by Hughes McIntire, I think, or Will McIntire, that in his presence a negro man came to Dan Nelson and told him that the Hopkins boys had made threats to kill him, and would kill him. Now, that was the character of the testimony precisely, and when they came by he did kill him. He was afterwards bailed on a thousand dollars.

Now, as to Mr. Potter's statement about the shotgun policy. I heard it in the evening of the day before this mass-meeting was held. I either went to Mr. Potter or sent friends to him at once to tell him that he must deny it; that with the state of feeling there it would cause a great deal of trouble, and Mr. Potter then put this card in the Banner. I heard Dr. Blackburn, a prominent Democratic physician there, talking about it and saying that Potter had stated so and so. I told him, "Dr. Blackburn, I do not believe he ever did it; I know that he advised the colored people to keep quiet and avoid strife." I told him we were both men with families and old enough to know that just a spark would set this thing aflame. He said that he got it from C. F. Holvey. I asked Mr. Holvey the next day if he had ever said so, and he said never in his life. That was as far as I could trace that portion of it.

Now, in regard to Mr. Hackworth's character I can say this: I never have been an active politician. I have in years past condemned the way in which both parties carried on in this county; I did not like their political methods. Mr. Hackworth used to drink pretty freely at one time, but for the last two years or eighteen months he has been, as far as I know, a strict temperance man. I know he has made speeches upon temperance, and I know he has associated with temperance men, with Dr. Ross, one of our most prominent Democratic physicians, and I know that he has associated with Dr. Curry, the father of Ed. Curry there; has consulted with him in every way upon the same question. I know that he stands well as a church member. I know that Mrs. Griffin, the sister-in-law of Mrs. Giddings, respected him highly and said so. She was on a visit to his family a few days before I left there. I know that he stands well in the estimation of Mrs. Eddins, one of the best ladies in the place, and a number of others.

About Mr. Schutze's standing there. I know that when I published that card which was spoken of by Mr. Hoffmann, a committee waited upon me with Mr. Hodde at the head of it, and came to the office and were very angry at me, and it was with much difficulty that I could keep out of personal trouble with him. I know Mr. Schutze came to me on the street and said, "Jodon, that article is just such as you should have published, and I uphold you and approve of it." I know the Germans there got down on me very much on account of that. I know this about Schutze also, that he is a man of independent character, wants his own way, and will not allow men to lead him; and there are many Germans there, as Mr. Hoffmann has said, who wanted to control him and his paper, but they could not do it. He is a well-educated and intelligent man, and a plenty of those men are of the coarse, ignorant class of Germans. A number of them are that, and I know that animosity and a great deal of ill feeling comes on account of his non-association with them, he being above them on the plane of intelligence. I know this. One of the attorneys there, C. C. Garrard, a partner with Mr. Bryan and Mr. Searcy, a few days after this mass meeting was held, in the presence of Frank Newman, Mr. Breedlove

and others were in the office, and we were talking about the meeting, and I asked him, "Why didn't you say something about the stealing of the ballot boxes and the shooting of the negroes at Chapel Hill two years before?" And he says, "That is not where the shoe pinched"—that was his remark exactly. He was up at the meeting and was a prominent man in it.

In regard to Mr. Rouse and the conversation I had with him. It was in Julius McFarland's book-store in the presence of Jake Miller and others. We got to talking about the matter, and he was approving of the whole affair, and I asked him how he could do it, and he said, "This is a white man's country, and they pay the taxes and ought to hold the offices." I told him that was queer talk from an Englishman, for a man from a country where the laws were so strictly obeyed and carried out. He said it didn't make any difference, that was his feeling. That is about all I wish to state.

Another thing. I was the correspondent for the Houston Post in 1880. At that time there was a murder case on hand and the report had gotten out that Schutze had been bribed not to act properly in it. I wrote an article in regard to the matter scoring him about it, and when he got it he brought the article to me and we had some personal difficulty in the office; we had a little scrimmage in fact. I afterwards found out that I was wrong, and I retracted it, and the grand jury made a report exonerating Schutze fully in the premises.

By Mr. EVARTS:

Q. That is already in evidence I believe?—A. Yes, sir.

Mr. EVARTS. Is that all you wish to state?

Mr. JODON. Yes, sir; I believe that is all I have to say.

Mr. PUGH. We have nothing at all to ask.

Mr. EVARTS. We do not think we will take any further evidence during the recess unless you wish to suggest it on your side, but we will keep the question of whether the examination is closed open until we come together again. Is there any objection to that?

Mr. PUGH. None from us.

Mr. EVARTS. If that is so, I do not know that we need to hold any further sessions at the present time.

The subcommittee then adjourned to meet again at the call of the chairman.

ALLEGED ELECTION OUTRAGES IN TEXAS.

ADDITIONAL TESTIMONY TAKEN BY THE SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS OF THE UNITED STATES SENATE, UNDER AUTHORITY OF THE FOLLOWING RESOLUTION PASSED BY THE SENATE FEBRUARY 28, 1888:

RESOLUTION.

Resolved, That the Committee on Privileges and Elections, and any subcommittee thereof, be authorized to complete the investigation into the circumstances of and connected with certain events alleged to have taken place in the petition of Stephen A. Hackworth and others, and for that purpose have power to send for persons and papers, to employ a stenographer, and have leave to sit during the session of the Senate; and that said subcommittee, for the purposes of such investigation, be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee for said investigation be paid out of the contingent fund of the Senate, upon vouchers, to be approved by the chairman thereof and the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

SATURDAY, *March 24*, 1888.

The subcommittee met pursuant to call of its chairman.

Present: Senators Evarts, Teller, Spooner, and Pugh.

TESTIMONY OF D. H. HART.

D. H. HART sworn and examined.

By Senator EVARTS:

Q. What is your official position in Texas?—A. I am clerk of the United States district and circuit courts for the western district of Texas, at Austin.

Q. Where is your residence?—A. At Austin.

Q. How long have you been clerk of those courts?—A. Since about the 17th of October; I believe that was the day that I took the oath of office.

Q. This last October?—A. Yes, sir; October, 1887.

Q. Who preceded you in those offices?—A. Sam. Hopkins was clerk.

Q. Is he still alive?—A. Yes, sir.

Q. Where does he live?—A. He is now in prison at Albany.

Q. Under some criminal accusation?—A. Yes, sir; for official misconduct—forgery, I believe, and other things.

Q. In his office?—A. Yes, sir.

Q. At the time of the trials and the preceding movements towards the indictment in the circuit court—a year ago, was that?—A. I don't remember what date it was filed.

Q. Had you any connection with the office or with the court at that time?—A. No, sir; none at all.

Q. Before you went into your present office had you any connection with the administration of the courts there?—A. None whatever, sir.

Q. You are a lawyer by profession?—A. No, sir.

Q. You have been subpoenaed?—A. Yes, sir.

Q. And to bring with you certain documents?—A. Yes.

By Senator SPOONER:

Q. Have you the subpoena?—A. No, sir; it was not delivered to me at all; it was read to me in my presence.

By Senator EVARTS:

Q. What documents have you brought?—A. I have all the papers that I found at the time I went over the papers in the office when I took charge. I have the indictment, and I have capiases for Joe Toland, Joda Route, John Crawford, Milton Sly, Bayliss Whisenant, Lafayette Kirk, and Will Crawford. I have also appearance bonds for each of those parties, and a telegram which was with the indictment, and also a part of the evidence for the defense.

Q. Those papers that you have just opened are what?—A. The indictment, the appearances, and a telegram.

Q. That is all that are in that package that you have now opened?—A. There are some capiases here for the different parties.

Senator SPOONER. I suppose, Mr. Evarts, we had better, before we are through with this witness, read such of these original papers as it is desired shall appear in the record, in order that this gentleman may take back with him the indictment when he returns to Texas. I understand that there will soon be another trial of these cases.

Senator EVARTS. I supposed that we need not occupy time with reading them.

Senator SPOONER. Not now, but before we send him back.

Q. (By Senator EVARTS.) Where did you find this telegram which I hold in my hand and which was in the package which you have opened here in our presence?—A. I found it with the indictment on the inside.

Q. The indictment of whom?—A. The indictment No. 1039, against Lafayette Kirk and others.

Q. And it was in the possession of the court?—A. Yes.

Q. Do you know anything more about this telegram than the fact that you found it there and brought it here with the papers?—A. No, sir. The cases have never come up since I have been in the office.

Q. Where did you find these papers which you have produced?—A. The papers in all the files were more or less scattered, and I don't remember exactly where I found these; it was somewhere in the office, though.

Q. And this roll of papers you found in the office of the clerk of the circuit court?—A. Yes, sir.

Q. Had you ever seen that before you found it to bring on here?—A. No, sir; I had never seen it before. The deputy clerk had told me that there was some evidence in the office, but I had not been able to put my hands on it.

Q. How did you get at this?—A. He found it when I was subpoenaed to appear before this committee.

Q. What is his name?—A. His name is E. G. James; he was deputy clerk for my predecessor.

Q. He was deputy under your predecessor?—A. Yes, sir.

Q. And remains under you now?—A. No, sir; he is not connected with the office at all.

Q. When did he leave the office?—A. He left when I went in, or very shortly after.

Q. Then it was this gentleman, Mr. James, who had been a deputy clerk, who told you that there were some papers there?—A. Yes, sir.

Q. What did he tell you?—A. When I took charge of the office, for the reason that he knew where everything was placed, I got him to help me get these files completed; he seemed to know all the time where this was, but did not produce it, as the cases did not come up.

Q. What did he tell you when you finally got it?—A. He said that this part of the evidence had been handed in by one of the attorneys, and that it was not filed. I noticed it was not filed, and called his attention to it. He said that it was all that had been handed to him as deputy clerk. The clerk was a very careless man, and knew nothing about the business especially, so this deputy attended to all of the business, or nearly all of it. He said this evidence had been handed to him by one of the attorneys to take care of.

By Senator SPOONER:

Q. What attorney?—A. I suppose an attorney for the defense; he did not name him.

Q. Did he say "attorney for the defense"?—A. I don't know that he used that language exactly, but that was implied, as I understood.

By Senator EVARTS:

Q. What search have you made since your subpoena was served or before as to other papers there, accessible or not?—A. I have not made any specially, because I had gone over all the papers in the office in straightening these files, and there were very few left. There were some papers that we could not find; it was a mixed lot.

Q. Will you not look at the affidavit or certificate at the foot of that paper referred to?—A. I find here the affidavit of the stenographer.

Q. Do you know him?—A. Only a casual acquaintance.

Q. You know who he is?—A. Yes, sir.

Q. Does he live there?—A. He did live there at that time; he was not located there; he was an itinerant.

Q. Was he a court stenographer?—A. No, sir; I think he was specially employed in that case; that was my understanding.

Q. But he was paid in these cases by the Government, was he?—A. I really do not know.

Q. Will you please read that certificate?—A. (Reading:)

AUSTIN, TEX., August 23, 1887.

I, Gerald Donnelly, make oath and say that the above and foregoing 240 pages contain a true and correct copy of my notes taken as stenographer in the case of the *United States vs. Lafayette Kirk et al.*

GERALD DONNELLY.

Sworn to and subscribed to before me this 23d day of August, A. D. 1887.

SAMUEL HOPKINS,
Clerk, Circuit Court at Austin.

Q. Do you know Hopkins's signature?—A. Yes, sir; I recognize that as his signature.

Q. How many pages are there there?

The WITNESS. Shall I count them?

Senator EVARTS. Yes.

The WITNESS (after counting). I count 52.

Q. Where are the other 188 pages mentioned in that certificate?—A. I don't know, sir; this was all I found.

Q. When these were found they were connected together as they now are?—A. Yes, sir; they were just the same as they are now; I don't think they have been handled very much.

Q. Are these pages wholly occupied with the testimony for the defendants?—A. I have not examined them closely, but I judge they are, from the certificate, because they were all together.

Q. Do they profess to be all the evidence for the defendants?—A. Ask that again, please.

Q. You say that they all have to do with the testimony for the defendants. Now, I ask you whether they are apparently the whole of the evidence given for the defendants?—A. This is all I have found. I have no means of knowing whether there was any more taken or not. This is broken and incomplete.

Senator SPOONER. But there is no testimony here except for the defendants.

Q. (By Senator EVARTS.) Have you made any particular search, after having seen that the stenographer's affidavit makes out 240 pages, to find the rest?—A. Well, yes, sir; there were only a few papers left, and I looked over them before I started; there were some papers which I could not find in the files, but they were all together.

By Senator SPOONER:

Q. In this case?—A. No, sir; I did not look over anything further in this case, because this is all the papers I could find in the case.

By Senator EVARTS:

Q. Did you make any search in your office to find any more of this evidence?—A. Yes, sir; I looked in the office.

Q. Thoroughly?—A. Yes, sir. Not very specially, but I looked over papers to see what I could find; there was not a great deal to look over; as I say, there was only a small lot of papers that I did not find.

Q. Yes, but you are talking about looking for papers in this case, and there were a few you did not find besides these that you bring here, as I understand. Have you searched your office thoroughly to find out whether, in some place where they ought not to be, these other pages might be found?—A. Yes, sir; I have searched pretty thoroughly.

Q. So that you are now prepared to state on your best belief that there are no other papers in your office?—A. Yes, sir; I do not think there is another paper.

Q. Relating to this trial?—A. Yes, sir; I do not think there are any more in the office.

By Senator PUGH:

Q. You say a stenographer took that testimony?—A. Yes, sir.

Q. Who was the stenographer?—A. His name was Gerald Donnelly.

Q. Who employed him to take that testimony?—A. I really do not know; I have no means of finding that out.

Q. Was he employed by the Government?—A. I don't know which party employed him.

Senator SPOONER. We will show that he was appointed at the beginning of the trial by the court, at the request of the district attorney, and against the opposition of the defendants. But this witness

was not clerk at that time, and was not present, as I understand, at the trial.

Senator PUGH. Do you know anything about the testimony that is in the Attorney-General's office?

Senator SPOONER. I did not know that there was any there.

Senator PUGH. All that testimony taken by the Government stenographer, I understand, is in the Attorney-General's office.

Senator EVARTS. Very well. We will not put this paper in evidence in its imperfect form, but will hold it and see if we can not find it all at the Department. All that we now put in evidence is this little package he opens here, and this telegram.

Senator SPOONER. I do not see any point in encumbering the record by putting in evidence these capiases and appearance bonds. But the indictment we want put in evidence, in order that this gentleman may take it back with him when he returns. We want the telegram also put in evidence.

The following is the telegram referred to :

NOVEMBER 2, 1886.

To D. D. BOLTIN,
Courtney :

Things here look doubtful. Do your work.

L. KIRK.

Senator PUGH. I desire it to appear in the record that we object to the introduction of that telegram, which purports to be signed by Kirk. We deny that it is legal evidence.

Senator SPOONER. I suppose that you object to it on the ground that its authenticity is not established?

Senator PUGH. Yes; and the telegraph company has no right to produce that evidence or to use it to criminate this man.

Q. (By Senator PUGH.) Do you know what were the politics of this clerk of the court who preceded you?—A. No, sir; I do not know of my own knowledge. I understood that Mr. Hopkins was a Republican. I have had a very slight acquaintance with him.

Q. The Hopkins you mention as being now under sentence in the penitentiary, your predecessor, was a Republican in politics?—A. That was my understanding. I knew nothing about it myself, because I had only a very slight acquaintance with him.

Q. Do you know what he was convicted for?—A. There were several indictments against him, brought in another part of the district, at San Antonio; I believe it was for forgery.

Q. Forgery of money orders?—A. It was some witness certificates, I think.

By Senator TELLER :

Q. Forging vouchers or something of that kind?—A. Witnesses' vouchers.

By Senator SPOONER :

Q. Are there other papers which the record shows were filed in this case, and which are missing?—A. No, sir; I think not.

Q. Then there is nothing missing except the remainder of this testimony?—A. That is all, I think. There are no minute entries included in that. I did not bring any of the minute entries of the case.

Q. Are there any receipts in your office of attorneys for defendants showing that this testimony had been delivered to any one of them?—A. I think not, sir; I did not examine, though, because the

receipts were not very well kept, and I did not think of that part of it, and did not examine into it.

Q. But your understanding is that this testimony had been in the hands of counsel for the defendants?—A. Yes, sir; that is what I understood from the deputy of Mr. Hopkins; it was handed to him by one of the attorneys for the defense.

Q. Did you understand that it came back to the clerk of the court in this mutilated form?—A. He said it was handed to him in that shape. I do not suppose it has been handled since the trial of the case.

Q. Handed to him in that shape after having once been deposited in complete form?—A. He did not say it had been deposited in complete form, though I inferred that it had from its paging.

Q. It is your understanding that it had been mutilated after having been placed on the files of the court in the case?—A. I had no conversation with anybody about any mutilation. I only asked the deputy clerk who gave it to him and I did not ask him under what circumstances, or anything about it; he just said that it had been handed to him by this attorney.

Q. Did he tell you who handed it to him?—A. No sir; he did not name him.

Q. Do you know who handed it to him?—A. No, sir; I do not.

Q. Where is that deputy now?—A. He is at Austin.

Q. What is his business?—A. I don't think he is in any business now; I don't think he has been since he went out of that office. He writes a little for me, but I don't think he has any regular business; in fact, I know he has not.

Q. Do you know whether the district attorney, Mr. Rudolph Kleberg, knows of the mutilation of this testimony?—A. I do not know that he does.

Q. When will be the next term of court?—A. We have a special term that begins on the 16th of April next; our next regular term will be in August.

Q. Is it the understanding that this case is to be tried at the next term?—A. Yes, sir; I think it will come up then.

Q. At what term was it tried?—A. I believe it was the February term, 1887; I am not positive about that.

Q. When do you desire to return?—A. I would like to get off by next Wednesday, if possible.

The following is the indictment produced by the witness, and ordered by the subcommittee to be here incorporated in the record:

UNITED STATES OF AMERICA, *Western district of Texas*:

Of the February term of the district court of the United States of America within and for the western district of Texas in the year of our Lord 1887.

In the name and by the authority of the United States of America:

The grand jurors of the United States of America, chosen, selected, and sworn within and for the western district of Texas, upon their oath in the district court aforesaid, do find and present that Lafayette Kirk, "John Traylor," "Dewes Bolton," Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, Will Crawford, and certain other evil-disposed persons to these grand jurors unknown, heretofore, to wit, on the 2d day of November, A. D. 1886, in the county of Washington, in the State of Texas, and within the western district of Texas, did then and there unlawfully conspire, combine, confederate, and agree together to commit a certain offense against the United States—that is to say, that on the said 2d day of November, A. D. 1886, an election was being had and held within and throughout the said State of Texas for State and county officers and for Representatives from said State in the Congress of the United States of America; that one of the polling places for said election was duly and legally established and located in election precinct No.

3, in and for said county of Washington, and was commonly and generally known as the Flewellen poll-box or voting place; that William Cause, Bob Wright, Lewis Pennington, J. R. Robertson, and Tom Jones were duly appointed, selected, named, and acting election officers, to hold, supervise, and conduct said election at said poll-box or voting place, and to count the votes cast at said poll-box or voting place at said election and make return thereof; that on said day, month, and year divers and numerous persons, qualified voters and electors under the laws of the State of Texas and the said United States, did vote and cast their ballots at said poll-box or voting place for Representative in the Congress of the United States from the Congressional district in said State in which said poll-box or voting place was then and there situate; that said ballots were then and there duly and legally received by said officers of election at said poll-box or voting place and duly and legally deposited in the ballot-box at said poll-box or voting place to count the votes and ballots so cast and deposited at said poll-box or voting place, which said duty was cast upon and required of said officers by the laws of the State of Texas.

That the said Lafayette Kirk, John Traylor, Dewees Bolton, Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, Will Crawford, well knowing the said duty of the officers of election, did then and there in the said county of Washington, and within the said western district of Texas, and on the said 2d day of November, A. D. 1886, unlawfully conspire, combine, confederate, and agree together to interfere with said officers of election in the discharge of their said duty to count said votes and ballots, and by taking, carrying away, concealing, and destroying said ballot-box in which said ballots had been so deposited, and by taking, carrying away, and defacing, concealing, and destroying the said ballots so cast by said voters, and so deposited in said ballot-box, and thus interfere with and interrupt the said officers of election in and stop and prevent them from the counting of said ballots and votes.

That the said Lafayette Kirk, John Traylor, Dewees Bolton, Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, and Will Crawford in pursuance of and in order to effect the object of said conspiracy, combination, confederacy, and agreement so had as aforesaid, did then and there unlawfully interfere with said officers of election in the discharge of their said duty to count said votes and ballots, and did then and there unlawfully take, carry away, conceal, and destroy said ballot-box, and did then and there take, carry away, deface, conceal, and destroy the said ballots, and did thus interfere with and interrupt the said officers of election in and stop and prevent them from counting said ballots and votes, contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

And the grand jurors aforesaid, on their oath aforesaid, in the court aforesaid, do further find and present:

That Lafayette Kirk, John Traylor, Dewees Bolton, Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, and Will Crawford in the said county of Washington, in the district aforesaid, and within the jurisdiction of this court, did then and there unlawfully take, carry away, conceal, and destroy a certain ballot-box which was then and there at a certain polling place in election precinct No. 2, in Washington County, in said State of Texas, and which polling place was commonly and generally known as the Graball poll-box or voting place, and did then and there unlawfully take, carry away, deface, conceal, and destroy certain ballots in said ballot-box contained, and thus did interfere with and interrupt W. Shaw, Ed. Brown, Ben Aubry, Paul Kuhnel, and Charles Butcher, who were then and there officers of election at said polling place, in, and did stop and prevent them, from counting said ballots and the votes by said ballots cast, and did interfere with said officers in the discharge of their duty as such officers; which said polling place was duly and legally established and located in said election precinct, and an election for State and county officers and for a Representative in the Congress of the United States of America from the Congressional district in said State of Texas in which said precinct was then and there situate, was on said day being had and held in said precinct, and which said ballot-box was the ballot-box then and there used at said election in said polling place as the ballot-box in which the votes and ballots cast by the voters legally qualified to vote under the laws of the State of Texas and the United States of America for such Representative in Congress were placed and deposited, and which ballots had been cast and deposited at said election in said ballot-box for such Representative in Congress by divers and numerous persons who were then and there legally qualified voters at such election for such Representative in Congress, under the laws of the United States and the State of Texas; and the said W. Shaw, Ed. Brown, Ben Aubry, Paul Kuhnel, and Charles Butcher were then and there the duly selected, appointed, named, and acting officers of election at said poll-box or voting place, and it was then and there the duty of said officers, under the laws of the said State of Texas, to count the said votes and ballots so cast and deposited as aforesaid by said voters at said poll-box or voting place, contrary to the statute in such case made and provided and against the peace and dignity of the United States of America.

And the grand jurors aforesaid, on their oath aforesaid, in the court aforesaid do further find and present:

That Lafayette Kirk, John Traylor, Dewees Bolton, Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, and Will Crawford, heretofore, to wit, on the 2d day of November, A. D. 1886, in the county of Washington, in the State of Texas, did then and there unlawfully combine, conspire, confederate, and agree together to commit a certain offense against the said United States of America, that is to say: That on said 2d day of November, A. D. 1886, an election was being had and held within and throughout the said State of Texas for State and county officers, and for Representatives from said State in the Congress of the United States; that one of the polling places for said election was duly and legally established and located in election precinct No. 3, in and for said Washington County, and was commonly and generally known as the Flewellen poll-box or voting place; that another of the polling places for said election was duly and legally established and located in election precinct No. 2, in and for said Washington County, and was commonly and generally known as the Graball poll-box or voting place; that another of the polling places for said election was duly and legally established and located in election precinct No. 5, in and for said Washington County, and was commonly and generally known as the Lott's Store poll-box or voting place. That William Cause, Bob Wright, Lewis Pennington, J. R. Robertson, and Tom Jones were duly elected, named, and appointed and acting election officers at said Flewellen poll-box or voting place; that W. Shaw, Ed. Brown, Ben Aubry, Paul Kuhnel, and Charles Butcher were duly elected, appointed, named, and acting officers of election at said Graball poll-box or voting place; that C. P. Spann and others, whose names are to the grand jurors unknown, were duly selected, appointed, and named, and acting officers of election at said Lott's Store poll-box or voting place.

That it was the duty of said officers, under the law, to hold, supervise, and conduct said election at the respective voting places at which they were so acting and to count the votes cast at their said respective voting places at said election, and to make return of said election from their respective voting places, and to return the ballot-boxes and ballots from their said respective voting places to the clerk of the county court of said Washington County. That on said day, month, and year, divers and numerous persons, qualified voters and electors under the laws of the said United States and said State of Texas, did vote and cast their ballots at said voting places for Representative in the Congress of the United States of America, from the Congressional district in said State in which said voting places were then and there situate; that said ballots were then and there duly and legally received by said officers of election at said voting places, and duly and legally deposited in the ballot-boxes at said voting places; that after the depositing of said ballots and at the hour and time prescribed by law the polls at said voting places were duly and legally closed; that thereupon it became and was the duty under the law of said officers of election at said respective voting places to count the votes and ballots so cast and deposited by said voters, at their said respective voting places over which said officers presided, and to make return of the result of said election from the said respective voting places, and to return to the clerk of the county court of Washington County the ballots and ballot-boxes from said respective voting places.

That the said Lafayette Kirk, John Traylor, Dewees Bolton, John Crawford, Joda Route, Joe Tolan, Milton Sly, Bayliss Whisenant, and Will Crawford, well knowing the said duty of the said officers of election, did then and there in the said county of Washington and within the said western district of Texas, and on the said 2d day of November, A. D. 1886, unlawfully conspire, combine, confederate, and agree together to interfere with said officers of election in the discharge of their said duty to count said votes and ballots by taking, carrying away, concealing, and destroying said ballot-boxes in which said ballots had been so deposited, and by taking, carrying away, defacing, concealing, and destroying the said ballots so cast by said voters, and so deposited in said ballot-boxes, and thus interfere with and interrupt the said officers of election in, and stop and prevent them from, the counting of said ballots and votes and making return of said election from said voting places, respectively, and the returning of said ballots and ballot-boxes to said clerk of said county court of Washington County. That said Lafayette Kirk, John Traylor, Dewees Bolton, John Crawford, Joda Route, Joe Tolman, Milton Sly, Bayliss Whisenant, and Will Crawford, in pursuance of and in order to effect the object of said conspiracy, combination, confederacy, and agreement so had as aforesaid, did then and there unlawfully interfere with said officers of election at said Flewellen voting place in the discharge of their said duty to count said votes and ballots and to make return of said election at said voting place, and to make return of said ballot-box and ballots from said voting place as aforesaid, and did then and there unlawfully take, carry away, conceal, and destroy said ballot-box, and did then and there take, carry away, deface, conceal, and destroy the said ballots, and did thus interfere with and interrupt the said officers of election and stop and prevent them from so counting said votes and ballots, making return

of said election from said voting place, and making return of said ballot-box and ballots aforesaid, and the said Lafayette Kirk, John Traylor, Dewees Bolton, Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, and Will Crawford, in pursuance of and in order to effect the object of said conspiracy, combination, confederacy, and agreement so had as aforesaid, did then and there unlawfully interfere with said officers of election at said Graball voting place in the discharge of their said duty to count said votes and ballots, to make return of said election from said voting place, and to make return of said ballots and ballot-box to said clerk of the county court of Washington County, as aforesaid, and did then and there unlawfully take, carry away, conceal, and destroy said ballot-box, and did then and there take and carry away, deface, conceal, and destroy the said ballots, and did thus interfere with and interrupt the said officers of election in, and stop and prevent them from, counting said ballots and votes, making return of said election from said voting place, and returning said ballot-box and ballots to said clerk as aforesaid.

And that certain other of said conspirators, who are to these grand jurors unknown, in pursuance of and in order to effect the object of said conspiracy, combination, confederacy, and agreement so had as aforesaid, did on the 3d day of November, A. D. 1886, in said county of Washington and within said western district of Texas, then and there unlawfully interfere with said officers of election at said Lott's Store voting place, in the discharge of their said duty to make return of said election from said voting place, and to return said ballots and ballot-box to said clerk of the county court of Washington County, and did then and there unlawfully take, carry away, conceal, and destroy said ballot-box, and did then and there take, carry away, deface, conceal, and destroy said ballots, and did thus interfere with and interrupt the said officers of election in, and stop, and prevent them from making return of, said election from said voting place, and returning said ballots and ballot-box to said clerk of said county court as aforesaid. Contrary to the statute in such case made and provided, against the peace and dignity of the United States of America.

R. D. CUNNINGHAM,
Foreman Grand Jury.

RUD. KLEBERG,
United States Attorney.

We, the jury, find as follows:

On the first count in the indictment we can not agree.

On the second count in the indictment we find the defendants, Lafayette Kirk, Bayliss Whisenant, Joda Route, Joe Tolan, and Will Crawford, not guilty; and as to the defendants Milton Sly and John Crawford we can not agree.

On the third count in the indictment we can not agree.

JOHN P. KIRK,
Foreman.

[Indorsement on the foregoing.]

The United States *vs.* Lafayette Kirk *et al.* 1039. A true bill. Unlawfully interfering with officers of an election for Representative in Congress of the United States. U. S. witnesses, William Cause, Bob Wright, Lewis Pennington, Dick Robertson, Tom Jones, Wm. Shaw, Ed Brown, Ben Aubry, Paul Kuhnel, Wm. Davis, John Gloss. Filed March 14, 1887. Sam Hopkins, clerk.

TESTIMONY OF EDWARD D. DURFEE.

EDWARD D. DURFEE, sworn and examined.

By Senator SPOONER:

Q. Where do you reside?—A. My family reside at present in Austin, Tex. My home has been in Burton, Washington County, Tex.

Q. How long have you lived in Burton, Tex.?—A. Two years and six months.

Q. How old are you?—A. I am in my fortieth year.

Q. What is your business?—A. Railroad agent.

Q. Anything else?—A. That is all at present.

Q. Are you a telegraph operator?—A. I have been; I am not at present in that business.

Q. What was your business at Burton? You say you lived at Burton two years and a half.—A. I was railroad agent.

Q. And in connection with that agency were you a telegraph operator?—A. Yes, sir.

Q. In the employment of the railroad company, and also in the employment of the Western Union Telegraph Company?—A. Yes, sir.

Q. Were you in Burton in that employment in November, 1886, at the time of the general election in Washington County?—A. Yes, sir.

Q. Did you receive on the day of the election at Burton any telegram or telegrams relating to the election?—A. Yes, sir.

Q. To whom were they addressed?—A. One was addressed to a man by the name of Searcy.

Q. Who is he?—A. I don't know that I remember his initials. He was a resident of Brenham.

Q. Do you know what his business is?—A. No, sir; I can not speak definitely. I think he is a lawyer, though.

Q. A Democratic politician in that county, is he not?—A. I do not know, only from hearsay. I suppose he is.

Q. Have you that telegram?—A. No, sir.

Q. Have you a copy of it?—A. Yes, sir.

Q. Are you still the operator at Burton?—A. No, sir.

Q. When did you cease that service?—A. On the 1st of December, 1887.

Q. Did you have at that time the original of the telegram in your possession?—A. No, sir.

Q. What had you done with it?—A. It had been sent to our division superintendent at Houston.

Q. Did you make a copy of the telegram?—A. Yes, sir.

Q. At the time you received it?—A. Yes, sir.

Q. Have you it?—A. No, sir.

Q. You have the copy?—A. I have a copy from that copy. We always have what we call the original, and then we have a copy that we file in our office.

Q. Did you make this copy at the time?—A. No, sir. I have made it since.

Q. When did you make it?—A. Some time within the six months at the end of which we are required to send in those messages.

Q. It is a copy of that telegram, is it?—A. It is a true copy.

Q. Read it, please.—A. It is dated "Courtney, November 2, 1886."

Q. Where is Courtney?—A. Courtney is a little northeast of Burton.

Q. How far from Graball?—A. I don't know.

Q. About how far?—A. I don't know the location of those places.

Q. Read the copy.—A. (Reading):

COURTNEY, November 2, 1886.

To B. SEARCY,
Burton, Tex.:

Graball gone against the People's ticket four to one. What must we do? Let us hear from you to-night. Flewellen box overflowing against us.

ROBERT SLOAN.

Q. Who is Mr. Sloan?—A. I don't know, sir.

Q. What other telegram on that subject did you receive on that day?—A. I don't remember, sir.

Q. Did you receive any?—A. I can't say definitely; it appears to me that there was another one.

Q. From whom and to whom?—A. As near as my mind serves me, I think there was one to a Mr. Lewis.

Q. Do you remember his name?—A. No, sir; I don't know his initials.

Q. Do you know whom it was from?—A. No, sir; I could not tell you.

Q. Have you no recollection from whom it was?—A. I will state that Mr. Lewis was up to see me about three or four weeks ago, saying that he understood that I received a message for him, and asked me if I had any recollection of it, but I could not tell him at that time whether it was on the day of the election or not; as to the contents of it I could not recollect.

Q. I am asking for your recollection now. Do you remember from whom it was?—A. No, sir.

Q. Or where it was from?—A. No, sir; I could not tell you.

Q. Was it not a telegram from Dewees Bolton to Mr. Lewis? Let me refresh your recollection a little.—A. I have tried to refresh my memory ever since he came up to see me about it, but I have no recollection about it except that I do remember receiving a message for him.

Q. Do you recollect the purport of it?—A. No, sir; I have no recollection of the contents of it at all.

Q. Do you know where that message is?—A. No, sir. It was sent with the other one to the district superintendent.

Q. What is the name of the district superintendent?—A. Isaac Cohen.

Q. Where does he reside?—A. At Houston.

Q. Is he still district superintendent?—A. Yes, sir.

Q. Is it your impression that that was from Mr. Dewees Bolton?—A. No, sir; I could not say whether it was or not.

TESTIMONY OF ROBERT WILSON.

ROBERT WILSON (colored), sworn and examined:

By Senator SPOONER:

Q. What is your name?—A. My name is Robert Wilson.

Q. How old are you, Robert?—A. I am forty-five or forty-six years old.

Q. Are you a married man?—A. Yes, sir.

Q. Where do you live?—A. I live in Washington County.

Q. Whereabouts?—A. On Mr. McAdoo's place.

Q. In what election precinct is that?—A. Precinct No. 1 I believe it is in.

Q. Where do you vote?—A. At Graball.

Q. What are you in politics, Republican?—A. Yes, sir.

Q. Do you remember the general election in Washington County in 1886?—A. Yes, sir.

Q. Were you present at the Graball polling place on that day?—A. Yes, sir.

Q. What time did you leave there?—A. I left there between 9 and 10 o'clock that night.

Q. Do you know Judge Lafayette Kirk?—A. Yes, sir.

Q. How long have you known him, Robert?—A. I have been knowing him ever since I have been in the county, about six years.

Q. Have you seen him often?—A. Yes, sir.

Q. Talked to him often?—A. Yes, sir.

Q. Heard him make speeches?—A. Yes, sir.

Q. Well acquainted with him?—A. Yes, sir.

Q. Did you see him on the day of election or that night at Graball?—A. I didn't see him that day, but I saw him that night.

Q. Where?—A. At Graball.

Q. About what time?—A. I guess it was about 9 o'clock ; I couldn't say exactly the time.

Q. Did you talk with him?—A. No more than spoke to him.

Q. Were you close to him?—A. Yes, sir; I passed by him in the road.

Q. You did speak to him, did you?—A. Yes, sir.

Q. What conversation passed between you?—A. I asked him how did he think the election was going to come out, and he said he didn't know, and then I just passed on, and he never said no more to me.

Q. You are sure it was Mr. Kirk?—A. Yes, sir.

Senator SPOONER. The object of this testimony is to contradict Mr. Kirk, who has sworn that he was not at Graball that day, or rather said he was at Flewellen and Chapel Hill.

By Senator PUGH:

Q. How many people were at Graball at the time you saw Kirk there?—A. There was a good many.

Q. There were a great many saw him besides you if he was there at the time you mentioned?—A. I don't know who saw him besides me, but there was a great many there.

Q. A good many had a chance of seeing him?—A. Yes, sir; I suppose so.

Q. He did not conceal himself that you saw?—A. No, sir; he was in the big road when I saw him, in the county road.

Q. Have you ever been indicted or tried for anything?—A. I was tried once in Washington County for hitting a woman.

Q. Is that all?—A. And I was indicted for gambling in Washington County.

Q. You never were in the penitentiary for anything?—A. No, sir. I was tried under Mr. Rogers for hitting a woman, and for gambling once.

By Senator SPOONER:

Q. Were you convicted?—A. No, sir; Mr. Rogers was a good man, and he didn't think I was guilty.

Q. When you met Mr. Kirk you were going away from the polls?—A. I was going home; yes, sir.

Q. How far away from the polls were you?—A. I was 50 or 60 yards, I reckon.

Q. The crowd was at the polling place, was it not?—A. Where they voted at was behind the store, up stairs, but the crowd was in front.

Q. The crowd was not where you were?—A. No, sir; I had done left the crowd.

Q. You were going away?—A. Yes, sir.

Q. Which way was he going?—A. I was going that way [indicating] and he was standing in the road, and I walked up on him.

Q. Fifty or sixty steps away from the crowd?—A. Yes, sir.

Q. Who was by when you met him?—A. No person but me and him.

Q. You do not know whether he went up to the polling place where the crowd was or not?—A. No, sir; I never saw him go in the crowd.

Q. You do not know whom he met there, if anybody?—A. No, sir.

Q. You are sure, are you, that it was Judge Kirk?—A. Yes, sir; I am sure it was him.

TESTIMONY OF ELIJAH TOLAND.

ELIJAH TOLAND (colored), sworn and examined.

By Senator SPOONER :

Q. Where do you live?—A. I live in Wharton County, Tex.

Q. Where did you live in 1886, two years ago?—A. Down at Chapel Hill, in Washington County; down there on Toland's place on the Brazos River.

Q. How far from Chapel Hill polling place?—A. It is called 7 miles.

Q. Do you remember the election in 1886 in Washington County?—
A. Yes, sir; I voted that day.

Q. Where did you vote?—A. In Chapel Hill.

Q. What time did you go away from the polls?

The WITNESS. Me?

Senator SPOONER. Yes.

The WITNESS. I left there about 2 o'clock.

Q. In the afternoon?—A. Yes, sir. I went right on and voted and came away.

Q. Where were you on the evening of that day?—A. I was down at home, where I was working, on the Brazos.

Q. Who was with you?

The WITNESS. With me that day?

Senator SPOONER. That night.

The WITNESS. I was with Brooks and Elijah Flewellen and Ike May, boys all together.

Q. What were you doing then?—A. They were cooking supper, and I was trying to play on the fiddle; I wasn't playing, I was just trying to practice.

Q. Did any white man come to you that night?—A. Yes, sir.

Q. Who was it?—A. Milton Sly.

Q. How long had you known Milton Sly?—A. I had been knowing him for the longest.

Q. How near you did he live?—A. He lived in Chapel Hill, because he was sheriff.

Q. Constable you mean?—A. Yes, sir.

Q. What time did he come to your house?—A. As near as I can get at it—I didn't have no time-piece, you know; there was none there—he came there about two hours and a half in the night, or three hours, after sundown. That is near as I can come to it.

Q. What did he say?—A. He come up and says, "Won't one of you boys come and point me the way to Flewellen, and I will give you \$1.50?" And Lije Flewellen says, "Don't none of the boys know the way through the bottom but Lije Toland;" and I says, "I'll go for the \$1.50, if you will give it to me." I says, "What you want to go to Flewellen for?" That is the first I said to him. He says, "I aint particular about going to Flewellen, but I thought after I got to Flewellen I would know where I was." We didn't go on the Washington road——

Q. Let me ask you—the Washington road led to Graball, did it not?—
A. Yes, sir.

Q. And also to Chapel Hill?—A. Yes, sir.

Q. And to Courtney?—A. Yes, sir. He had to go right by Graball, understand, to go to Courtney.

Q. How far was Chapel Hill from Graball?—A. The way they go—twice 7 is 14—14 miles.

Q. From Chapel Hill to Graball?—A. Yes, sir; the way they go.

Q. Which place did you reach first in going to Courtney?—A. I went to Graball. He had no business going to Washington; he should leave Washington to his left, you know.

Q. Go on and tell us what happened, in your own way.—A. He says, "You come on, and I will be at the gate and wait till you come." I got on my horse and went on, and when I got to the gate there was about eighteen or twenty more.

Q. White men?—A. All white men.

Q. Were they afoot or on horseback?—A. Horseback; all of them riding horses; and I said, "Boss, damned if I can go; I can't go." He says, "Why?" I says, "I just can't go."

Q. Did they have any arms with them?—A. Moonshiners—they had six-shooters on the horns of their saddles, every one of them, and I said, "I can't go." He says, "Why?" I says, "I just can't go." He said, "Which would you rather do?" He had promised to give me \$1.50, but he didn't do it—he gave me \$1; and he said, "Which would you rather do—rather lose your life here and the dollar too?" "If you go," he said, "you will save your life and the dollar, and if you don't, by God we will kill you right here." I said, "Well, if I must go, I'll go; let's go"—right that way; and I said, "I will carry you 5 miles nigher." He said he wanted to go to Courtney to take the train. I said, "I will carry you 5 miles nearer to Graball." If I had went the way they wanted at first they would have gone that direction to Flewellen [pointing]. When we went, we left Flewellen to the left, down here [indicating]; that was 5 miles nearer. There were six with Milton Sly.

Q. Who were they?—A. John Sly, and John Crawford, and Will Crawford—them two was brothers—and Joe Toland, and Joda Route, and Bayliss Whisenant.

Senator SPOONER. Is it admitted that these names are in the indictment?

Senator TELLER. The indictment will show that.

Q. Go on.—A. Afterwards, after that night, when Bayliss seed me—

Q. You went with them, did you?—A. I went and carried them in 2½ miles of Baldrige, and they gave me \$1, and I left them and went home. Afterwards I was talking about how I had carried the crowd that way, and they got hold of it, and Bayliss Whisenant said to me, "Lije, did you know any of the fellows of that crowd?" I said, "I don't know." I talked just that way. He said, "If you know them you had better keep your damned mouth; if you keep your damned mouth we will give you a lot of hush money." I said, "Boss, I ain't saying nothing;" just that way. So that is all.

Q. Did you know Judge Kirk at that time?—A. No, sir; if he was there I didn't know him—there was so many there.

Q. Did you know him at all at that time?—A. Yes, sir; I would have knowed him if I had seen him, but there was so many there, and I was frightened, to tell you the truth about it, when they talked about killing me. If he was there I didn't know him.

By Senator PUGH:

Q. Were you a witness in the case against these men in the Federal court at Austin?—A. Yes, sir.

Q. You swore to all this in that case?—A. Yes, sir.

Q. How long have you known these two men who came down there?—A. Wasn't I raised there, right there among them?

Q. You were raised right there among them?—A. Yes, sir; I was raised in Toland Bottom.

Q. Did any of these men know that country and these roads as well as you did?

The WITNESS. Any of these men whose names I called? They said they got lost.

Q. Did they not know that country?—A. They knew Flewellen and Graball.

Q. They knew all that country, every acre of it, just as well as you did, did they not?—A. No, I don't reckon they did, because they didn't stay in the bottom, like I did, on the Brazos River.

Q. How long had they been traveling these roads?—A. Some of them had been traveling them ever since they were boys—traveling some portions, and other portions they didn't. I'll tell you how it was, they wanted to go the way that was the nearest; they said they wanted to get to Courtney by train time, and they hadn't been across the bottom where I went, because they said they hadn't after I got to the road, and I went to carry them the nearest way. If they had been there it was their own fault that they told me that. I know the way I led them.

Q. How far away from Chapel Hill were you when they came to you to get you to show them the way?—A. About 7 miles, I told you.

Q. Where did they tell you to carry them—to the Washington road?—A. First they wanted me to show them to Bob Flewellen's, and after they got to Flewellen's—

Q. That is on the Washington road?—A. Yes, sir; but they left Flewellen to the left.

Q. How far is Flewellen from Chapel Hill?—A. Between 6 and 7 miles, as near as I can come to it.

Q. About the same distance as from the place where you had this talk with them?—A. Yes, sir.

Q. Does not the Washington road run from Chapel Hill straight to Flewellen?—A. Yes, sir; it runs there straight.

Q. Does not the road go from Flewellen to Graball?—A. Of course it do.

Q. Then they could have gone from Chapel Hill straight to Flewellen right along the highway?—A. If they had wanted to.

Q. It was the same distance from Chapel Hill to where you saw them that night?—A. To Flewellen I said it was, but it was nearer by going across the bottom to Graball, and they knowed it.

Q. You say it was the same distance from Chapel Hill to Flewellen as from where you were to Flewellen—7 miles in each case?—A. I reckon it wasn't as near, as they wanted to go through the bottom; they said so.

Q. You said these men came from Chapel Hill to where you saw them?—A. Yes, sir; they said so, and they said they came through the bottom because it was the nearest.

Q. These Crawfords you mentioned, are they stock-owners; do they own cattle and hogs?—A. Not many; they own a few.

Q. Do they attend to anybody's stock?—A. They used to attend to Smith's stock.

Q. How long had they been tending stock that runs all over that country in that bottom?—A. I don't know how long.

Q. But they had been attending to it for some years, had they not?—A. Yes, sir; I think they had. But the stock didn't range, understand, the way that they come and got me to carry them. I know where the stock all ranges.

By Senator TELLER:

Q. Where did the stock range?—A. Back this way [indicating], down toward the Dr. Allen place, on the river more or less, and then back out on the prairie towards Chapel Hill.

Q. These men had got lost, had they?—A. They said so.

Q. And wanted you to show them the road?—A. Yes, sir.

Q. About how far did you go with them?—A. I went about 5 miles.

Q. Did they tell you then that you could go back?—A. Yes, sir.

Q. You had got out of the bottom, had you?—A. Yes, sir; I had got out of the bottom and put them in the main Washington road.

Q. Is it timbered country on the bottom?—A. Yes, sir; it is nothing but timbered bottom.

Q. With roads running in different directions?—A. Yes, sir; little cow-paths and little wagon-roads from one place to another.

Q. Where did you leave them?—A. I left them right on the Washington road. They knew where they were when I left them.

Q. Then they told you to go back?—A. Yes, sir; they gave me \$1 and told me to go back.

By Senator PUGH:

Q. This young man Toland, that you spoke about being in the party, is he not the son of the man who owned you when you were a slave?—A. Yes, sir.

Q. He was raised right there where you were?—A. No, sir; he was not.

Q. How long had he lived there?—A. He was raised at Chapel Hill, and he didn't go about much until he got up a little size.

Q. How long had he been living there with his father?—A. He didn't know nothing about his father, no more than you do.

Q. Who owned the place where his father died?—A. His mother and brother and sister owned it until he got up some size.

Q. Did not this young man Toland formerly manage and superintend that place for his mother?—A. He has been managing it for the last three or four years.

Q. Before you saw him there?

The WITNESS. There, where?

Senator PUGH. There at the place where you had this talk that night about showing them the way?

The WITNESS. Yes, sir; but he didn't know the way through the bottom; all said they had got lost.

Senator PUGH. I understand that. You will lose them, but I want to see how they came to get lost when they knew the country as well as you did.

The WITNESS. They said they were lost; I don't know whether they were lost or no.

On motion of Senator Spooner, the following resolution was adopted by the subcommittee:

Resolved, That the Attorney-General be, and is hereby, requested to transmit to the subcommittee of the Committee on Privileges and Elections, charged by the Senate with the investigation of certain alleged election outrages in Washington County, Texas, in the year 1886, a copy of the testimony taken and on file in the United States district court for the western district of Texas, in the case of the United States *vs.* Lafayette Kirk *et al.*

Adjourned to 10.30 a. m., Tuesday, March 27, 1888.

WASHINGTON, D. C., *Tuesday, March 27, 1888.*

The subcommittee met at 10.45 o'clock a. m.

Present, Senator Spooner, Senator Teller, and Senator Pugh.

TESTIMONY OF JAMES E. SLATER.

JAMES E. SLATER, having been duly sworn, was interrogated as follows:

By Senator SPOONER:

Q. You have been examined before in this investigation, have you not?—A. Yes, sir.

Q. You reside at Brenham?—A. Yes, sir.

Q. You are telegraph operator at Brenham?—A. Yes, sir; at Brenham, Texas.

Q. How long have you been operator at that place?—A. The last time since 1880, but I was in the office before.

Q. Were you in charge of the office there in 1886?—A. Yes, sir.

Q. Have you ever seen this before [showing a telegram to the witness.]—A. I of course have seen it because the words "seven, paid" are in my handwriting, and "filed 12 m." is in my handwriting, and the time of the message sent to Houston is my handwriting.

Q. What time was it sent to Houston?—A. It was sent to Houston at 12.50 p. m. it says here.

Q. That was received by you to be transmitted at 12 m. on November 2, 1886?—A. Yes, sir.

Q. And was transmitted by you?—A. Yes, sir; there is the evidence of it.

Q. It was transmitted at 12.50 p. m?—A. This is the evidence of it.

Q. That is the memorandum made by you at the time?—A. Yes, sir; at the time. Whenever we send a message we mark the messages as we send them. When we receive a message we put in here [indicating] when they were filed. It was received at 12 o'clock to send to Houston.

Q. This is the original of the message which was handed to you for transmission?—A. Yes, sir.

Q. And you sent it to Courtney by way of Houston?—A. Yes, sir.

Q. Do you know the handwriting in which it is?—A. No, sir.

Senator SPOONER. I simply wanted to identify it. I am told that Judge Kirk admitted in the trial in the United States court that he sent this message, but his testimony we have not here, and therefore I can not use it.

Senator PUGH. And he explained why he sent it.

Senator SPOONER. That is all I desire to ask. (To Senator PUGH.) Do you wish to ask the witness any questions?

Senator PUGH. No; there is nothing I desire to question him about.

TESTIMONY OF HENRY MULLER.

HENRY MULLER, having been duly sworn, was interrogated as follows:

By Senator SPOONER:

Q. You were examined in this investigation before, were you not?—

A. Yes, sir.

Q. Since that time there has been a trial in the Federal court at Austin in the case of the United States against Kirk and others which involved these transactions, has there not?—A. Yes, sir.

Q. Do you know of any funds having been raised by subscription in Washington County to defray the expenses of the defense in that case?—A. I do not; no.

Q. Did you not circulate a subscription paper for that purpose?—A. No, sir.

Q. Do you know of any being circulated?—A. No, sir.

Q. Do you know of any public meeting being held there after the trial, at which resolutions of thanks to counsel were passed—to counsel who defended Kirk and others?—A. Yes, sir; I heard of that.

Q. Were you present at the meeting?—A. No, sir.

Q. Do you know who attended it?—A. A number of citizens; I do not know who, though.

Q. Was it a public meeting?—A. Yes, sir; a public meeting.

Q. An advertised meeting?—A. I think so; I am not certain.

Q. Was it largely attended?—A. Moderately so, I think.

Q. Have you any copy of the proceedings of that meeting published in the paper?—A. I suppose there was.

Q. I say have you any copy with you?—A. No, sir; I have not.

Q. Was there any money raised before this trial took place for the use of the defense?—A. I do not know.

Q. Did you circulate any paper before the trial to raise funds for the defense?—A. No.

Q. Did you solicit a subscription from any one for that purpose?—A. No.

Q. Did you solicit funds for the purpose?—A. I did not.

Q. You say at no time did you present a subscription paper to any one for such funds?—A. No, sir.

Q. In Schurenburg's office or anywhere else?—A. Not that I can remember. I did not present a paper and do not remember any; I have never seen any subscription list to my recollection.

Q. Did you contribute anything else to the defense?—A. No.

Q. Were you asked to?—A. No.

Senator SPOONER. That is all.

Senator PUGH. I have no questions to put.

TESTIMONY OF STEPHEN A. HACKWORTH.

STEPHEN A. HACKWORTH, having been duly sworn, was interrogated as follows:

By Senator SPOONER:

Q. Were you present at the trial of this case of the United States against Kirk and others at Austin?—A. Yes, sir.

Q. Who prosecuted that case?—A. Rudolph Kleberg, the United States district attorney, and Mr. Franklin, who was employed by the United States to assist Kleberg.

Q. Is he the assistant district attorney?—A. No, sir; he was specially employed for that case only.

Q. Who defended the case?—A. Ex-Governor Ireland, ex-Congressman John Hancock, Seth Shepherd, W. W. Searcy, known as "Buck" Searcy, and one or two Democratic lawyers around Austin whose names I do not remember.

Mr. JODON. That explains the telegram which was sent signed B. earey.

Q. A stenographer was appointed to take the testimony in that trial?—

A. Yes, sir.

Q. On whose application?—A. On the application of Mr. Kleberg, the district attorney.

Q. Was it resisted?—A. I think it was. It was objected to, but Mr. Kleberg stated that the Government would pay the stenographer, and he said he wanted to have all the evidence reduced to writing.

Q. Have you any statement which you desire to make to the committee in rebuttal of testimony given on the former examination?—A. Yes, sir; I would like to state, however, more fully in regard to what I saw in the trial at Austin.

Q. Very well, go on.

Mr. JODON. Before you go into that had you not better prove who Bob Sloan was whose name was attached to the telegram to Bolton?

Senator SPOONER. I will prove that before I get through. It is already proven that he was one of the men in the indictment.

The WITNESS. The attorneys for the defense filed pleas to have the indictments against the defendants dismissed upon the ground that United States district courts had no jurisdiction to try white citizens of a sovereign State for election offenses; that it only applied to colored citizens alone. The motion was argued for about three days. Finally, Judge Turner overruled the motion to dismiss the indictment and they went to trial. United States Senator Coke was at the trial and sat inside the bar with the defendants, Judge Kirk and his attorneys, engaged now and then in pleasant conversation with them, and his presence there was construed by the public to mean that he was there lending his aid and influence in creating a public sympathy in behalf of the defendants. I heard several remarks myself made by spectators on the outside, who said that there was no danger in the world of the defendants being convicted; that Senator Coke, ex-Governor Ireland, and Mr. Hancock, they believed, had influence enough with Judge Turner to induce him to dismiss the indictment, but if they were forced to trial they had not the least doubt they would be acquitted, notwithstanding what the evidence might be. Senator Coke did not act openly as attorney, but I went up into the Driscoll Hotel on business to see Mr. Breedlove, and found Senator Coke there in earnest consultation with Governor Ireland and the other attorneys. He is a very able lawyer, and I am satisfied that he was there for the purpose of aiding them in the defense and creating a public sentiment favorable to the defendants.

Senator SPOONER. You may pass from that, if you please.

The WITNESS. After they were forced to go to trial, in making up the jury every colored man and every German farmer who was on the regular panel was objected to, and the United States marshal went out into the city and picked up jurors to fill their places. It was stated by some of the newspapers in Austin that there were some Republicans put on the jury; but I asked one of the oldest Republicans in Austin if there was a Republican on that jury and he said he thought not; that he recognized one or two Democratic ward politicians of the city of Austin as being on the jury.

Senator SPOONER. Well, we can not try the making up of that jury. I suppose they only exercised the right of challenge, which they had under the laws.

The WITNESS. I suppose so. But the jury being strictly a Democratic one is what I objected to particularly. Not all the leading news-

papers, but some of them—the Galveston News and the Austin Statesman—as soon as the grand jury began the investigation of these Ku-Klux outrages, began tirades of abuse and commented very severely on the official conduct of Mr. Kleberg and Mr. Cunningham, the foreman of the grand jury, and the power of the press and the efforts of leading Democrats were used to create a favorable sentiment in behalf of the defendants and to defeat the efforts of the prosecution.

After the trials were over—I believe some of the defendants were acquitted; there was a hung jury on one or two of the main counts in the indictments against Kirk—and the defendants went home a mass meeting was called in Brenham, in which thanks were returned to ex-Governor Ireland, ex-Congressman Hancock, Mr. Shepherd, and other attorneys for having defended the defendants from the charges made against them and for having done so without legal fee. As a matter of course they had a right to do that. But it is usual with attorneys in defending men charged with grave offenses to charge very high fees. I know that the entire influence of the Democratic press and the leading Democratic politicians of Texas has been used to prevent the conviction of these defendants.

I want to make some corrections in my former testimony from a memorandum which I made and have here. On page 222 of my testimony of last session I find the following contradictory statement, which I wish to have corrected:

Q. What communication did you have with Governor Ireland in addition to sending him this circular of which you speak?

My answer was: “I do not think I wrote him any letter. It seems to me too that when I sent him the circular I wrote him a few lines calling his attention to it.” I wish to have the above answer corrected by stating that what I intended to say was I do not think I wrote him any letter at the time I sent him the circular referred to, but that my recollection is I simply wrote him a few lines calling his attention to it. This circular was mailed by me to Governor Ireland about November 15, 1886, and on the 4th or 5th of December, 1886, I wrote him a letter in which I appealed to him for protection for myself and other Republicans.

On page 232 of my evidence appears another error in which I am reported to say that at one of the meetings at Cedar Hill one of our men drew a pistol on them and it broke up the meeting. I wish this corrected, for I said that at one of the Republican meetings held at Cedar Hill one of the bulldozers drew a pistol on me, but one of our men prevented him from shooting me. This broke up the meeting.

Q. Is there any other correction you wish to make?—A. No, sir; not at present.

Q. Is there any material matter that you desire to call attention to?—A. Yes, sir; I wish to call attention to the fact that when the control of the county government falls into the hands of Democrats that they have absolute control of the fixing up of the juries, and that the grand juries of Washington County since 1886 have been made up principally of Democrats, and some of them indicted Ku-Klux; I want to show that. I want to show that men who stand indicted at Austin have been placed on the grand juries of Washington County; that some of the men indicted for these outrages by the Federal court at Austin are now on the grand jury of Washington County, and that Republicans are not permitted to be upon or summoned to sit upon the grand juries; that the grand juries are made up—in other words they are packed with Democratic sympa-

thizers and men who have destroyed ballot boxes and committed other outrages. I want to show how this present grand jury of Washington County is made up; and I will read from the Brenham Banner here, and with a little explanation you will understand the situation very clearly.

The witness then read the following article from the Daily Banner, of Brenham, Tex.:

[From the Daily Banner, of Brenham, Tex.]

THE DISTRICT COURT—REGULAR MARCH TERM COMMENCED—A NEW GRAND JURY IMPANELED—WORK BEGUN.

According to the fixed enactment by statute law the regular March term of the district court was commenced on Monday morning, at 10 o'clock, with his honors Judge I. B. McFarland presiding, and the usual cloud of witnesses, attorneys, and litigants present. The preliminaries of impaneling and charging the grand jury and appointing bailiffs of the court were about to be proceeded with, for which purpose the members who had been drawn were called into the box, when the following motion was filed and presented to the judge, to wit:

"Now comes Frank Glass, Bert Brown, and Wash Dillard, and represent to the honorable district court that the grand jury to assemble at this the March term of the court, 1888, will have to pass on their cases as to indictment; that they move to quash the array or challenge said array of grand jurors, because the same were not legally chosen, in this, that two of the jury commissioners who drew said grand jury, to wit, George Brown and George W. Breedlove, were not at the time they were appointed such jury commissioners, and are not now, and have not been since their appointment, freeholders in Washington County; that said George Brown, at the time he was appointed said jury commissioner, was a county commissioner of Washington, and could not, under the constitution and laws of Texas, hold two offices of profit and emolument at the same time; that G. W. Breedlove and Fritz Homeyer, the other two jury commissioners, were deputies under Joe Hoffman, assessor of taxes for Washington County, when they were appointed said jury commissioners, and could not legally hold two offices of profit and emolument at the same time. Wherefore they pray that said array of grand jurors drawn for the present March term of court, 1888, be set aside."

The array consisted of W. H. Blount (colored), Paul Fricke, Peter O'Neil (colored), Wm. Ehlert, Junius Lockett (colored), A. Y. Williams, Chas. Turnow, A. M. Clay, Wm. Carnes, T. A. Low, Joe Routt, and Harry Daniels, and the motion was signed by Messrs. W. W. Searcy, L. Kirk, and Beanregard Bryan as attorneys for the parties. The court took the motion under advisement and took a recess until 2 o'clock, at the expiration of which the motion was sustained and the array quashed. Immediately Deputy Sheriff Langhammer, in the absence of his chief, by direction of the court, summoned a new grand jury, composed of the following well-known citizens of the county: A. M. Clay, T. A. Low, Wm. Carver, A. C. Koch, Frank Dobert, L. J. Lockett, O. B. Hughes, B. F. Robertson, Algie Hunt (colored), Harvey Daniels (colored), E. Rouse, and Joe Routt. The new grand jury is one of the best ever summoned in the county, and Mr. Langhammer deserves credit for the excellent discretion and promptness displayed in his selection. After being impaneled and charged orally by the court and in general terms, it proceeded to work and court adjourned for the day. The jury commissioners, whose work was objected to, were appointed by Judge McFarland at the last term of the court, and it has been considered a trifle strange that there were not enough good men qualified for the position who are not office-holders. The business promises to be promptly dispatched, and it is to be hoped that due consideration will be shown the farmers to the end that they may not be kept unnecessarily from their work dancing attendance on the court.

The foregoing shows that W. H. Blount, Paul Fricke, Peter O'Neil, William Ehlert, Junius Lockett, and Charles Turnow, all of whom are Republicans, and who were on the array of jurors drawn by the jury commissioners, were not resummoned by the sheriff after the first panel of jurors had been quashed by the district judge, but that the following were substituted in their places, all of them being Democrats: A. C. Koch, Frank Dobert, L. J. Lockett, O. B. Hughes, B. F. Robertson, and Algie Hunt; also that the six Democrats drawn on the first panel by the jury commissioners were resummoned by the sheriff; also that Algie Hunt and Joe Routt, two of the jurors, were indicted in the Federal court at Austin for election outrages in Washington County in 1886.

The WITNESS. That is the way that the juries are fixed up. Of course, when officials obtain offices by the destruction of ballot-boxes it becomes their direct interest, especially on the part of the sheriff, to see that men are not put on the grand jury who would be likely to find indictments against men who destroy ballot-boxes and commit other election outrages; and that is the way that this matter has been managed in Washington County since 1886. Any Republican can be shot down that the officials or their lawless friends want out of the way, and there is not the remotest danger of their ever being indicted, because, perhaps, the very men who committed the murder would be put on the grand jury. That is the way the matter has gone on and is going on to-day; the grand juries are fixed up as I have explained.

Senator SPOONER. Pass to the next item of testimony.

The WITNESS. In my petition I allege that in other counties of Texas similar occurrences have taken place, and I want to mention the fact that in Brazoria County in 1886 a ballot-box was destroyed, but notwithstanding it had a large Republican majority it did not affect the election; that the entire Republican ticket was elected. That a few days after the election a large number of armed Democrats went into the town and compelled Judge Masterson, the Republican county judge, to resign his office, and had a Democratic county judge appointed in his place. That Mr. Wilson who was elected sheriff and collector of taxes of the county in 1886, a wealthy man, born and raised in the county, received several warnings which induced him to resign his office, and it was also filled by a Democrat.

In Matagorda County last year there was considerable talk about a negro insurrection, and I want to dwell on that, and to show you how they are gotten up by Democratic bulldozers, and by men who wish to terrorize the colored people and keep them terrorized, and you might say in a state of subjection. And the best way I can do that, if you will permit me, is to read an account of that massacre from the Austin Despatch, an independent newspaper, and a short editorial from the Waco Day, a Democratic paper. They give a correct account. I have heard other accounts of the Matagorda massacre.

The witness then read the following article from the Austin Despatch :

[From the Austin (Tex.) Despatch.]

WHO IS TO BLAME ?

The promptitude with which Governor Ross answered the appeal of the sheriff of Brazoria County for assistance to quell the alleged negro uprising and preserve the peace can not be too heartily commended. But a careful perusal of all the accounts furnished from the scene of trouble, rather inclines one to the belief that if the presence of the military was at all necessary, it should rather have been in behalf of the negroes than to suppress any imaginary outbreak or uprising.

The facts, so far as developed, are by no means creditable to the white people of Matagorda County. They show that a negro constable, armed with a warrant, as the law directs, attempted to arrest a white man. He did so in the discharge of his sworn duty. The white resisted, appeared on the scene with a Winchester, and since then the officer has not been seen or heard of. A report has gained circulation that he fled to avoid prosecution under an indictment for cattle-stealing. The report may be true, or it may not be true; but if true, it exhibits a lamentable state of affairs, when an officer of the law is permitted to exercise the duties of his office while resting under indictment for felony.

Nor is this all. Another seemingly authentic report states that a white man belonging to a posse emptied his Winchester into a negro whom he had met in the woods, and afterwards turned the dead body over "to see if he had the right one." The same man, after emptying his six-shooter into the head of a prostrate negro, rode around all day with his hands covered with blood. All accounts agree that the negro

Marston, who was brutally shot down in his tracks, was at work in his cotton-patch when his murderers surrounded him and emptied the contents of their deadly weapons into his defenseless and unarmed person. The action of the man Spafford, who insisted upon taking the lives of the two defenseless negro prisoners, appears to be a fit and appropriate corollary to the entire atrocious and seemingly indefensible slaughter of helpless and defenseless men.

No one will contend but what there are bad men to be found among the numerous hordes of blacks in southern Texas, nor can it be denied but what there is a fair sprinkling of the same vicious element among the whites. There is nothing so far shown going to prove that the blacks were the aggressors; there is nothing to show that they had congregated in dangerous or alarming bodies; there is nothing to show that they sought or attempted in any manner to violate the laws. On the other hand, all the evidence tends to show that the whole affair was a premeditated plot upon the part of a few lawless white men to bring on trouble between the races, and gratify their propensity for blood-letting by murdering a few defenseless and helpless negroes. Further investigation may change this opinion, but with the lights now before it the public can scarcely form any other.

The law officers of Matagorda County owe it to themselves and the people of the entire State to make a searching investigation into the affair, and locate the blame where it properly belongs. If negroes were the aggressors, if they banded and col-legued together for the purpose of insurrection and riot; if they plotted to murder and destroy, let the heaviest penalties of the law be visited upon them. But if, on the other hand, it shall develop that they were the victims of cruel and lawless whites; if it shall be proven that they were murderously assaulted and slain while peaceably following their own affairs; if it shall be shown that bad and designing men have used them as a pretext to bring odium and disgrace upon the State, let them fearlessly do their duty and inflict upon the perpetrators swift and merited punishment. Because the victims were negroes, should prove no mitigation; in truth, it should aggravate the offense; for surely, if peace, good feeling, and comity of interests are to prevail among the races in Texas, at least, the weaker and defenseless element must be protected in life and property from the assaults of the lawless and designing of the stronger.

The WITNESS. That article is from the Austin Despatch, an independent newspaper.

By Senator TELLER:

Q. The paper published at Austin?—A. Yes, sir. I have also here an article from the Waco Day.

Senator PUGH. Can't you mark the articles you want to read and save our time by having them printed in the record?

The WITNESS. I will be glad to do so.

Senator PUGH. And if you have anything else in print there, just hand it to the stenographer.

Senator TELLER. Is the Waco Day a Democratic paper?

The WITNESS. It is.

Senator TELLER. Instead of reading the article, if you will hand it to the stenographer it can be printed.

The following is the article referred to:

[From the Waco Day.]

We regret to say that the latest news from the scene of the race conflict in Matagorda County, in regard to the origin of the trouble and the conduct of the strife, is not altogether creditable to the white side of the case. There seems to have been no general uprising of the negroes, and the only warlike demonstration on their part, except perhaps with a few individual exceptions, was when they went in a body, to the number of forty-seven men, to the house of the white man suspected of the murder of the colored constable mainly to ascertain what had become of their missing comrade. They were, no doubt, prepared to wreak vengeance for his murder, if they had good reason to believe that he had been foully dealt with, but would have returned to their homes in peace under any fair assurance that he was still alive. We must always make due allowance for human passion and resistance to wrong, even in a black breast, and do justice to our fellow man without regard to the color of his cuticle. Good men, white or black, can not afford to take up the quarrel or defend the deeds of bad men of their race and make such a cause their own, even under the strong impulse of race prejudice. Disregard of this great truth seems to have led to

the strife in Matagorda County, as it often has in other places on the part of the blacks as well as the whites. The negroes are always foolish to precipitate a conflict of this kind, even by actions which are, to some extent, excusable under apparent provocation, but the white people can well afford to be temperate and magnanimous, and ought, in every case, to weigh well and judge equitably all the circumstances before accepting an outburst of passion on the part of a few men as the signal of a race revolt to be fought to the death. The Day well understands the prejudices which exist, and makes this appeal to reason in behalf of peace and good feeling between the races.

By Senator SPOONER :

Q. Is there any other item you desire to state ?—A. I might mention the wholesale murder of seven colored people last month in Wharton County. Their houses were saturated with kerosene oil in the night while the inmates were asleep and two of the colored people were killed before they could get out of the houses and the balance murdered after they got out.

By Senator TELLER :

Q. There was nothing political in that matter ?—A. No, sir ; it only shows the state of terrorism over the colored people and the way they control their vote.

Senator SPOONER. That is not within the purview of our investigation ; it is not pretended that that was connected with any election. Can you state anything else that pertains to the subject before this committee, which is the election outrages in Washington County, Tex. ?

The WITNESS. I have not been in Washington County to ascertain the fact, but I have received letters from home informing me that sums of money were raised by subscription to defray the expenses of the Ku-Klux defendants there.

By Senator SPOONER :

Q. Have you been back there since you were examined before ?—A. Yes, sir ; but I only staid a short time.

Q. Were you molested ?—A. Yes, sir.

Q. In what way ?—A. I got back home about the 15th of March. I was summoned to Austin before the grand jury and some of my friends came up to Austin to see me.

Q. You were summoned as a witness in these matters ?—A. Yes, sir. Some of my friends thought it would be safe for me to return home for a few days. I had not seen my family or friends for some time, and was anxious to see them. The first night after I got back I was not interrupted at all, but the next evening some Democratic friends came to me and told me that they were satisfied I would be mobbed that night. I did not much believe there was danger ; I thought, perhaps, they were unnecessarily alarmed. But a good many of my friends came and proposed to stay all night with me ; they were armed. An hour or two after dark signal guns began to be fired in different parts of the town. We understood that ; we knew what they meant. Some of my friends who were there at my house hastened in the direction of the nearest signal-gun, 200 yards from my house, and when they got there they found Judge Kirk and two other men, who hastily left. My friends went around and stated that we were ready to make a fight whenever they made an attack, and thought that we could defend ourselves. About 1 o'clock that night I got on the train and left, and have not been back there since.

Q. Where are you living now ?—A. At Topeka, Kans.

Q. Is there any other reason than that why you did not dare to live at home, at Brenham ?—A. That is all ; because these men know that

if I am living there I will aid in keeping the Republican party organized, and if we should once get Republicans into office that every man who had anything to do with these outrages, particularly the men who hung these colored people, would be indicted, hunted down, and finally punished, and for that reason they have determined I shall not live there. Of course I can not live there as long as they have all the offices filled by men who are Kuklux, or who, at least, have obtained offices by Kuklux outrages. Of course a man who receives stolen goods is, if possible, worse than the thief who steals and delivers the goods to him; and a man who will hold a stolen office would hold any other kind of stolen property if he could get it without danger to himself.

Q. Is there anything else you desire to say?—A. I can not think of anything just now.

Q. There was a telegram introduced here in evidence, signed by Bob Sloan. Who was Bob Sloan?—A. Bob Sloan is a colored man.

Q. One of the men indicted with Judge Kirk?—A. Yes, sir. He killed a colored man and was indicted three or four years ago for the offense. Up to three or four months before the election he was an active Republican, acting in good faith with me. He came to me one day and said that he was compelled to go over to the Democrats; that he had had a talk with H. M. Lewis, the county clerk, with Mr. Herbst, the district clerk, and they had notified him that unless he turned and went over to their side they would fix up a jury that would convict him. He said he was compelled to go over, and he did so, and became one of the best tools they had.

Q. He was supporting the People's ticket, was he, at that election?—A. Yes, sir. He was stationed at Graball to watch the vote and to report to the Democratic leaders in other parts of the county how the vote was going, so that in the event it was necessary to destroy the ballot-boxes they could send Kuklux down there and destroy them, as was done.

Q. Is there anything else you want to say?—A. I can not think of anything just now.

By Senator PUGH:

Q. Were you a witness in the trial at Austin?—A. Yes, sir.

Q. Were you sworn?—A. Yes, sir; I was sworn and placed under rule.

Q. Were you put on the stand?—A. No, sir.

Q. You were not put on the stand at all?—A. No, sir.

Q. Have you any relations in Brenham?—A. Yes, sir.

Q. Is your brother living there?—A. Yes, sir.

Q. What is his politics?—A. He is a Republican.

Q. Does he hold any office?—A. Yes; he is a justice of the peace.

Q. A justice of the peace in Brenham?—A. Yes, sir.

Q. How long has he lived there?—A. He was born and raised in Washington County.

Q. And is there now?—A. Yes, sir.

Q. Living in Brenham?—A. Yes, sir.

Q. Holding office?—A. Yes, sir.

Q. And a Republican?—A. Yes, sir. If it had not been for this Senate investigation, however, he would not be living there now, nor holding that office.

Q. You must remember that you are under oath.—A. I know that I am.

Q. You don't seem to be paying much attention to that from your statement.—A. I beg your pardon; I think I am. I am as certain of that as of anything I can be in the world. He was notified to leave the county and resign his office.

Q. But he did not do it?—A. No, sir; since the Senate investigation began the Kuklux have held their hands off the throats of Republicans.

Q. Is Sloan a negro?—A. Yes, sir.

Q. Was he ever a Republican?—A. Yes, sir.

Q. Wasn't he chairman of the Republican party in beat No. 1, in Washington County?—A. I think not. He might have been chairman of a local club of one of the election precincts, perhaps, but he was never chairman of the entire Washington justice's precinct No. 1.

Q. Do you remember appointing delegates and sending out to them word that you had appointed them to come there to a convention?—A. I remember that I helped organize the party, and that I sent out for the leading colored men in all parts of the county, and we held frequent meetings, and leading Germans and other whites attended.

Q. You appointed the delegates yourself and notified them that you had appointed them, and told them when they must attend, did you?—A. No, sir. The delegates were elected at a mass-meeting.

Q. Didn't this Sloan attack you in a convention there, in a meeting of the Republicans in his beat? Did not Sloan get up in that meeting and denounce you and some of your practices and dealings and acts as a Republican? What about that?—A. In the Republican convention Sloan and other Democratic bulldozers were sent up there by Judge Kirk to break up the convention, and several colored men were struck over the head with six-shooters, and it compelled them to break up the convention.

Q. And he made use of some very unpleasant remarks about you, didn't he?—A. Not that I remember. He made a very unpleasant use of his six-shooter.

Q. You and Sloan are very friendly, are you not?—A. We were very friendly and on good terms. I do not think Sloan ever said anything derogatory to me in any of the public meetings. He was arrested for carrying a six shooter—he and another one—and Judge Kirk paid the fine. It was known everywhere that Judge Kirk sent those colored people up there armed to break up the convention and prevent Republican nominations—that he and Rogers and others sent them up there.

Q. You state that as a fact within your own knowledge?—A. From all the attendant circumstances it is very plain. They paid the fine for the colored people that they sent there with six-shooters.

Q. You were there when Judge Kirk arranged with those men to go, and heard all about his instructions to them?—A. Of course I was not present.

Q. But still you are swearing to it as a fact.—A. I am just as well satisfied of it as I can be. He paid the fines of the colored men, and it was directly to his interest.

Q. You saw him pay the fines?—A. Well, I got it from the officials

Q. You heard the officials say that he paid them?—A. Yes, sir; there can be no doubt of that.

Q. Have you been to Brenham since you were here as a witness?—A. Yes, sir.

Q. When were you at Brenham last?—A. On the 15th of last March.

Q. How long did you stay there?—A. But one night and a part of another night and one day.

Q. Did anybody know you were there?—A. Yes, sir.

Q. Did you ride around in your buggy in the street?—A. No, sir.

Q. Who knew you were there?—A. It was generally known; I suppose it was. I walked from the depot up to where my wife was living through the streets of Brenham. Several friends came to see me after dark, among them some Democrats.

Q. You landed there in Brenham in the day-time?—A. Yes, sir.

Q. And it was generally known you were there?—A. I think so.

Senator PUGH. That is all.

Senator SPOONER. I have nothing further, I believe.

The WITNESS. There has been a great deal said in regard to my reputation and standing as a citizen. I would like to mention one fact, and that is, that when I was removed from the postmastership in Brenham, in 1877, by President Hayes, that all the citizens of Brenham, with two exceptions, signed a petition protesting against my removal, and I think the very Democratic witness who was here before, Mr. Muller, signed the list, although there was a Democrat appointed in my place, Moses Austin Bryan.

By Senator PUGH:

Q. Who was appointed in your place?—A. Moses Austin Bryan.

Q. Was he a Republican?—A. No, sir; he was a Democrat.

Q. Who appointed him?—A. President Hayes.

Q. Who was Postmaster-General under President Hayes?—A. At that time Mr. Key was, I think, Postmaster-General. Mr. Bryan and President Hayes were old friends and classmates. All the citizens protested against my removal, and only two of them refused to sign the petition, and they did it on political grounds, and said I had been one of the best postmasters they ever had. I mention that to show that all this stuff that has been brought up here about my having committed wrong acts in office is false; that at that time, when I was just as well known as now, all the citizens regarded me as an honest man, and knew I was one. I never stood charged with a dishonest act in my life in the courts of Washington County or of the State.

Senator SPOONER. That has all been explained before. You say you never stood charged with anything; you were charged with some things, were you not?

The WITNESS. Not with any wrongful acts.

By Senator SPOONER:

Q. You were indicted, were you not?—A. They said we exceeded our authority in appointing a colored man for janitor, and that the road contracts were too high.

Q. That has all been gone through with, I believe.—A. I want to state another thing about our county finances. When I came into office as presiding justice of Washington County, in 1871, county scrip was worth about 30 cents on the dollar. The tax did not meet current expenses and we had to issue county warrants and pay nearly three prices for everything we wanted to buy. But before I went out of office we had bonded all the county scrip, and the scrip was worth 10 cents above par, and county scrip was worth 75 to 90 cents on the dollar; that is the condition I left the county in. When I went out of office our finances were almost at par, and when the Republicans went out in 1884 the condition of the county finances were as sound as a dollar. We had money in the treasury, had built a court-house and jail and carried on public improvements, and there was not a ballot-box stolen

or a man mobbed while the Republicans controlled the administration of Washington County.

The subcommittee then adjourned until Wednesday, March 28, 1888, at 10.30 o'clock, a. m.

WASHINGTON, D. C., *Wednesday, March 28, 1888.*

The subcommittee met pursuant to adjournment.

TESTIMONY OF ROBERT J. MOORE.

ROBERT J. MOORE (colored) sworn and examined.

By Senator PUGH:

Q. Where do you reside?—A. In Washington, Washington County, Tex.

Q. How long have you lived there?—A. I have been there between eighteen and nineteen years; since 1870.

Q. About what is your age now?—A. Between forty-five and forty-seven; I don't know my exact age.

Q. Are you in any position in Washington County?—A. Yes, sir.

Q. What is it?—A. I represent Washington County in the twentieth legislature.

Q. You represent Washington County in the Texas legislature?—A. Yes, sir.

Q. To what political party do you belong?—A. I am a Republican.

Q. Have you ever belonged to any other party?—A. No, sir.

Q. Have you ever voted for any other than Republican candidates?—A. Yes, sir; I have voted for men that were not Republican candidates; I have voted mixed tickets.

Q. Why did you vote at any time for others than Republicans; if you had any reasons, what were they?—A. Because the Republican ticket didn't suit me altogether.

Q. When were you elected to the legislature?—A. I were elected at our last general election.

Q. Was that last year, 1887, or this year?—A. No, sir; it was two years ago this fall, 1886.

Q. How many times have you been elected?—A. I have been elected three times.

Q. You say you were elected as a Republican?—A. Yes, sir.

Q. Who supported you—anybody but Republicans?—A. I couldn't tell you who all supported me; I was elected.

Q. I mean did you have any opposition?—A. Oh, yes.

Q. Did any Democratic candidate run against you?—A. Yes, sir; once—well, twice; I don't know but that there was a Democratic candidate against me every time; I don't know for certain.

Q. There were Democratic candidates running against you every time you were elected?—A. Hold, right there. I know there were candidates; whether they were brought out by the Democratic party or not I can't say, but there were Democratic candidates against me.

Q. But you were elected and declared elected in that county?—A. Yes, sir.

Q. Were you there at the election in 1886?—A. Oh, yes, sir.

Q. Will you tell us all you know about the character of that contest, the election in November, 1886?—A. Well, sir, I know nothing more

than what I have heard about it. I was a candidate, but I never went to but one box, the box I served at; that was the Graball box, and I went there and staid perhaps a couple of hours, and then right back home, and didn't go there again until they were counting the votes, some three or four or five days afterwards—I can't recollect exactly how long. I went back home that night and staid at home for three or four or five days until, I believe, the last day that they were counting the votes.

Q. You were a Republican candidate for the legislature in that election in 1886?—A. Yes, sir; I always run as a Republican.

Q. You were elected, were you, that year to the legislature from Washington County?—A. Yes, sir.

Q. That was the time you were elected for the term you are now serving?—A. Yes, sir.

Q. Do you know anything about the feeling, the excitement, that was gotten up, if there was any more than usual? If so, what was the cause of it?

The WITNESS. In that election?

Senator PUGH. Yes; in that election of 1886 in that county. Tell what the trouble was, what the contention was, if any, and what officers were to be elected.

The WITNESS. I know of no trouble before the election or during the canvass, more than just heated debates with one another, that is before the election.

Q. You had a contest, as you always had in such elections; was there any difference?—A. Yes, sir. We canvassed the county as we usually do—one party against another—and, of course, they had some pretty fiery debates during the canvass, but there was no fighting that I know of; if there was any I didn't know it.

Q. Against whom was the principal opposition made; the county officers, or whom?—A. The opposition were altogether against the county officers, pretty generally. Of course, every man tried to be elected, but the people seemed to be more interested in the county officers than the State officers, that is, representatives.

Q. In Washington County?—A. Yes, sir; in that county.

Q. What was the reason there was more excitement about the election of county officers?—A. The reason of that simply was that the county offices paid better than the representative's office, and, of course, they were more interested in it.

Q. Who were the candidates for the county offices?—A. I don't know that I could name them all from memory, but I can name some of them. Judge Kirk was on the People's ticket for county judge, and Judge Schutze was on the Republican ticket; well, I can't say that it was the Republican ticket, because the way that we have—I will give it to you just as it was: It was not a Republican ticket, as I understood it; in fact, that ticket wasn't made as the Republicans always make a ticket.

Q. Which ticket?—A. The ticket that Schutze ran on. He was in opposition to Judge Kirk; Mr. Fricke was in opposition to Mr. Dever for sheriff. I can't name all of them exactly, but the county collector, and sheriff, and treasurer, they took more interest in that election than they did any other county officers, because the offices pay better.

Q. Whom did you support in that election for those county offices?—A. I supported every one on the Citizens' ticket.

By Senator TELLER:

Q. The Citizens' ticket?—A. The People's ticket.

By Senator PUGH :

Q. Give your reasons for voting that ticket.—A. Simply because every one on the other ticket was voting for me.

By Senator TELLER :

Q. The other candidates were working against you?—A. Yes, sir. I do believe that perhaps there may have been a few candidates that were running that perhaps may have supported me, but I didn't know it, because I believe they thought more of me than they did of the man I was running against. If I got any votes among the candidates that were running on the ticket—on Judge Hackworth's ticket—if I got any votes on that ticket at all among the candidates, it was the white candidates. I am satisfied of that, because of the two men, I believe, every one has told me as far as I was concerned I was in the wrong place, but as men they liked me the best, or as well. I don't know any white men were running but what preferred me to the man running against me, but at the same time they couldn't do better than to make the canvass against me.

Q. You were opposed by Mr. Hackworth, or did he support you?—A. I don't really believe that Judge Hackworth opposed me, but, of course, he was on the other side, and he worked, of course, against me.

By Senator PUGH :

Q. You say Schutze was a candidate against Kirk? Was Schutze nominated by the Republicans?—A. No, sir.

Q. How did he come to be a candidate?—A. I will tell you if you will give me time. We usually, in Texas, and have been ever since 1870—our counties have been divided up into what is known as precincts—and we usually at each precinct have a precinct meeting just before the ticket is made, and elect delegates to go to Brenham, our county seat, to make a Republican ticket. That is what divided Judge Hackworth and me. Judge Hackworth and others and Blunt were in favor of just calling a mass-meeting, and letting people in mass make a ticket. I opposed it. I reasoned with the other Republicans and did all I could to keep them from doing it. I didn't think the colored people would understand it, but I could do nothing with them, and hence they met and attempted to overrun me with the people. We called a vote on it when we met in county convention. We made speeches. But still, when we called the vote the people were with me, and the chairman wouldn't put the question, but got down out of his seat and went downstairs and wouldn't put the vote. Finally, after the people had gone away, in the night he goes up there, and goes on the street and around town and gets a few of them into the hall again that night, after telling the people that they would meet again some two weeks hence. But he goes back that night and calls a meeting, and of course then he tried to carry a vote for a mass-meeting. Then it was too strong for him, and the meeting broke up in a row. Later I had to go to Austin for some purpose. I think some weeks later they met there again. I was not in the meeting. I got back the very day of the meeting. Several came and invited me up to the meeting. I told them I was wearied and wore out and didn't care to go; that I was wearied and wore out. But the people had told me positively not to have anything to do with it, and if I did they would never uphold me again. They claimed in this mass-meeting to have made this ticket.

Q. Whom do you mean by the "people"—colored people, Republicans?—A. The Republicans, the colored people that had always sup-

ported me for twenty years; ever since I had been there. They told me they didn't believe in a mass-meeting making a ticket, and as such they told me if I had anything to do with it they wouldn't support me.

Q. You say Scheutze was made a candidate in that way?—A. Yes, sir; in that way.

Q. Tell about the relations of the two races there, the white and black people, in Washington County, during the time you have been there. If there is any trouble, or feeling, or contention, or discord between them, what is the cause of it? Tell what you know, and about how they stand together in that county.—A. As much as I know I will try to tell you. I have been there since 1870—I told you the length of time. We have been electing the Republican ticket right straight along up till six or eight years ago, and then we commenced mixing our ticket together. That was caused by a split in the Republican party. Until we had this split we have always elected our Republican ticket from bottom to top. But our parties became divided, and we have been a divided party ever since.

Q. What are the causes of the division?

The WITNESS. You want me to tell you?

Senator PUGH. Yes; that is the reason I ask you the question.

The WITNESS. Very well, I will take pleasure in doing that. We had two very prominent men in our county, Mr. Harvin and Mr. Clayton. At the first split I was chairman of the county convention, and their names were presented to that convention. Mr. Harvin was nominated fairly and honorably and honestly.

By Senator TELLER:

Q. For what office?—A. The office of county collector, the largest office, as I look at it, and the best paying office in the county. Judge Hackworth, for some cause, I don't know what it was, and Blunt and Cain and quite a number of others, bolted the convention and run Clayton anyhow. They made up a ticket after we had come out of the convention, and run a man by the name of Clayton. That split the Republican party. I and Judge Hackworth canvassed the county against one another, fought one another politically all over the county, but I beat him and elected my man, and since that time we have had a little split all the way up. I am sorry to say that, while the judge is a good Republican, he was the cause of our split. Before that there wasn't a sign of any bolt, but from that time they have been bolting more or less ever since. But before that time they would vote for anybody that I or Judge Hackworth or any influential Republican told them to vote for.

By Senator PUGH:

Q. I understand you to say that the feeling of opposition and excitement was mainly in regard to the election for the office of county judge.

The WITNESS. Last election?

Senator PUGH. And in 1886.

The WITNESS. Yes, sir; I believe that was about the only real excitement, with one or two exceptions, at precincts. I have heard of it, but I have never seen it. Most of the excitement was created, as a general thing, from Mr. Scheutze and Judge Kirk. I believe there was great opposition; of course, I know it.

Q. The contest between these two men was the cause of the excitement at the election that year?—A. Yes, sir; there was great opposition to Scheutze, more than to any of the other candidates that were

running, I think. The Democratic party didn't like Scheutze, and they were opposed to having him as a candidate, and they did everything to beat him.

Q. What was the ground of the opposition to Scheutze—that he was a Republican, or why were they against him? Was it on account of his politics, or on account of his character as a man?—A. All I ever heard speak about it opposed him on account of his character.

Q. On account of his personal character?—A. On account of his personal character; yes, sir.

Q. Was he opposed by many Republicans?—A. Yes, sir.

Q. About what was the extent of the opposition to him in the Republican party—one-third, a quarter, or a half? How much opposition did he have from Republicans for that office?—A. I couldn't exactly say.

Q. What is your best judgment?—A. All I could give you my best judgment about, sir, is, he was opposed by me, for one, and by my influence. I didn't want to see Judge Scheutze elected. A good many colored people have been against him, I couldn't say how many, and there would have been quite a number voted against Mr. Scheutze. We taught our Republicans down there not to scratch the ticket, but Judge Hackworth got up a ticket—I say he got it up because he told me he did—that couldn't be scratched; you had to vote that ticket or not vote it. Of course all the colored men wanted to vote the Republican ticket; then if you scratched it you couldn't insert another name, and many voted for him, and not only for him but for others, because they couldn't make that change. I know that Mr. Scheutze got votes that he wouldn't have got had it not been for that ticket.

Q. You say that Mr. Hackworth made that statement publicly, that they couldn't scratch off any man?—A. Oh, I never heard Judge Hackworth say that publicly. But all we Republicans thought it was time to vote the square Republican ticket. Some had tickets that had names of both candidates printed on them, so they could scratch one name off. If Blunt and I were running against each other, the tickets would have both our names on, and then if the voters wanted to vote for me they would scratch Blunt's name off, or if they wanted to vote for Blunt they could scratch me. That is the way they have been having our tickets.

Q. You say you opposed Scheutze publicly; did you not speak of your objections to him in your speeches?—A. Yes, sir. I believe he is the only man that I spoke publicly against. During the canvass I was running sort of between the parties; I was running between the Hackworth ticket and the People's ticket, and I couldn't say a great deal. But when it came right down to the old adage of "diamond cut diamond," I thought it was my duty to say to my people not to support Judge Scheutze, and I told them on one or two occasions not to do it. But to say to make a general canvass against him, I did not.

Q. You state that your reasons for opposing him were on account of his personal character?—A. No, sir; I didn't say that. I said the opposition of the Democratic party, I believed, was because of his personal character. I knew nothing of his personal character, but I did know of his meanness, and I opposed him for his meanness to my people. His personal character I knew nothing about.

Q. What do you mean by his meanness to your people—the colored people?—A. Yes, sir.

Q. What was his treatment that you say was mean?—A. He was once in office there, and I felt that he abused my people, and they felt

so. He was the means of many of them running off and leaving everything they had, and going to Kansas and other places—running about and causing their fathers to spend money that they wouldn't have had to spend. During the time he was attorney he would hire men to go around and play with the colored people, because they told me so.

Q. Play cards?—A. Play cards among the colored people, and then he would pay them a dollar apiece for reporting them. I thought no honorable officer ought to do that.

By Senator TELLER:

Q. So he could indict them, do you mean?—A. So he could indict them, as a sort of detective.

By Senator PUGH:

Q. How many were indicted in that way?—A. God only knows.

Q. Five or six hundred?—A. I couldn't answer that question.

Q. There was a large number, was there not?—A. Yes, sir; there was a large number.

Q. Did you ever hear of his not reporting any who paid him to not do so?—A. Yes, sir; I heard that.

Q. Outside of the number that were indicted but not tried, did he get pay from any one that you know of?—A. He was charged with it, sir, in the county. I want to tell just exactly the truth, and nothing but the truth, what I swore to. He was charged with it in the canvass by Mr. Rogers there, and Judge Kirk and others, that dared him to deny it; said it was a matter of record, and that brought up several other charges. I don't know whether they are true or not. They said they were matters of record, and could show them, and he didn't deny them.

Q. The opposition from the colored Republicans was from those who had been reported by him and indicted, was it not? These persons who opposed him did it with knowledge that he had reported them for indictment, and got pay from them to stop the prosecution?—A. Partly so. But the colored people of Washington County didn't want Judge Scheutze for county judge. They voted for him, as I stated, because he was on the Republican ticket, and we had ever taught them not to bolt the ticket.

Q. Not to scratch it?—A. Yes, sir; not to scratch the ticket.

Q. What was the general feeling, friendly or unfriendly, and what is it between the whites and blacks in Washington County?—A. The general feeling has been very good ever since I have been in Washington County. The feeling has been about as well as it could reasonably be expected to be in any Southern county. The colored people and the white people have got along. Of course, occasionally we would have trouble. What I have reference to, there is counties and States—I didn't see it—where they don't allow colored people to hold office, and where they give them a great deal of trouble at the ballot-box in voting. In Washington County I don't know of but one instance—I don't know that, I heard it; where I voted there is a very large colored vote, and I am always at the polls, and I have never saw in the part of Washington County where I am (at Washington) any man come up and deny any colored man the right to vote. The general feeling has been, except the trouble about Boulton and that trouble, very good. I believe I could say safely that seven out of every ten colored men that get into trouble, as a general thing, have got Democrats to go on their bond. I know they went on my bond. For instance, the feeling is like this: A man's father was probably a slave; the children have grew up; one of those slaves gets in trouble, and they will generally go on their bond and

get them out on bail. They have did that. And really, I don't know what we people down there would do in Washington County, I don't know about anywhere else, but it is pretty general all over Texas, if they didn't go on our bonds and help us, there would be hundreds, yes, I reckon a thousand, in the jails of Texas to-day.

Q. They go to the white people for assistance whenever they need it, do they?—A. They are bound to do it.

Q. And they generally get it?—A. Yes, sir.

Q. And they get it from these white people who used to own their fathers?—A. They are bound to get it from them; there is no one else to get it from, as a general thing. Republicans in Texas, in Washington County, are generally poor men, so far as I know. When I speak of Republicans I am speaking of Southern Republicans.

Q. White Republicans?—A. No, sir; I am speaking of Southern Republicans, American Republicans; this don't include Germans and others. I am speaking of American men, men who have been Democrats in time and have come over and joined the Republican party. I say as a general thing they are not so numerous down there as to give all the necessary bonds and to help and give us the aid that we need at times in Texas.

Q. Where was the principal opposition to Scheutze from the colored people; in what beats?—A. In Washington beat pretty generally, precinct 1.

Q. What is the name of that?—A. Washington precinct. That is also the case in the Chapel Hill precinct.

Q. And Graball; where is that?—A. That is in my precinct.

Q. Graball is the Washington precinct?—A. It is in the Washington precinct.

Q. Then Flewellen; where is that?—A. That is in my precinct; that is in Washington precinct.

Q. Flewellen and Graball beats, as some of them here call them, are where the principal opposition from the colored people to Scheutze came from?—A. Yes, sir; right there, especially Graball and Flewellen; they roused him, I believe, there more than they did in any other part of Washington County.

Q. Do you know anything about the destruction of boxes, and all that trouble about the voting?—A. No, sir; I don't know who destroyed the boxes.

Q. You do not know anything about that?—A. No, sir; I don't know who did it.

Q. How have colored people been treated there by the county officials in respect to jury trials, sitting on juries, their rights in courts, and all that sort of thing?—A. I believe they have been treated very well. I have never heard any particular complaint. I am hardly ever at Brenham—that is, during court time—unless I am summonsed there, and I don't know that I have ever been summonsed there more than once or twice. But I have heard no complaint.

Q. You have heard no complaint about the colored people not getting all the rights to which they are entitled from the Democratic officials in that county?—A. No, sir; that is, if there is anything of that I know nothing of it. I know that they treat me the same as a Republican. If I have business with them I go in there, and they treat me just like any other officer would. They have some colored men in there, employed there, around about the court-house. They have a colored constable there, and other officers. They have never bothered us in our holding offices, or anything like that. We have been beating them

at elections all the time until five or six years ago, and then we commenced mixing up our ticket. This last trouble is the only trouble we have had amongst the officers, that I know of. We did have some trouble at Independence, but I didn't know what it was exactly, and that has been a year ago. I want to tell the truth as near as I can.

Mr. HACKWORTH. Don't forget Chapel Hill in 1884. Some men were killed there.

The WITNESS. Yes, sir; there was some trouble there.

By Senator TELLER:

Q. How did you get on the people's ticket for the legislature?—A. I had a ticket headed "Republican Ticket," and if I was on the people's ticket, the people put me on there.

Q. Did they put you on?—A. Yes, sir; I think they did.

Q. Did you solicit the nomination?—A. No, sir; I did not.

Q. You had nothing to do with getting on the ticket?—A. No, sir.

Q. Did you nominate a ticket of your own?—A. No, sir; I just got out a ticket and called it a Republican ticket.

Q. For yourself?—A. Yes, sir. You see the Judge Hatchworth ticket wasn't a Republican ticket, as I hold, from the fact that they didn't go through the form we Republicans always went through.

Q. You insisted that it was not a Republican ticket. How was the People's ticket nominated?—A. They didn't make any nominations, I don't think; they just selected their men, I think; they may have nominated, I don't know; I don't think they held any convention at all; I don't think they have held any for two or three elections.

Q. You think they simply announced the ticket and published it in the newspapers?—A. Yes, sir.

Q. You do not know how they got up the People's ticket?—A. The citizens around Brenham and over the county, I suppose.

Q. They held a convention?—A. I think so; they may have had a convention. I don't go to Democratic meetings.

Q. Your name was on the ticket when it came out?—A. On the People's ticket; it certainly was.

Q. When it was first made public?—A. I don't know when it was published, the one that I seed; that was my own ticket, with my name on it.

Q. What you call the People's side did not put up anybody against you?—A. No, sir; there was a man run; I don't know whether they put him up or not; I don't think they did.

Q. On the People's ticket there was nobody named for the legislature but yourself?—A. I never saw any.

Q. Do you not know that there was not?—A. Yes, sir.

Q. On what you call the Hatchworth ticket was there any man named for the legislature?—A. I know there was no one on it for representative.

Q. You know there was nobody running against you on the People's ticket?—A. Not as I know of.

Q. Is not that the fact?—A. I don't think there was.

Q. Was there anybody running against you on what you call the Republican ticket? I mean that which you say was not the Republican ticket.—A. Judge Hackworth's ticket, yes, sir; Blunt was on it.

Q. What was he running for?—A. For representative.

Q. Against you?—A. Against me.

Q. The fight was between you and Blunt?—A. No, sir; there was another man in the field.

Q. What ticket was he running on?—A. I don't know what ticket he was running on. I never met him, but I heard of him, and I heard that he got some votes.

Q. What was his name?—A. His name was Williams; from about Independence. I heard of him, but I don't know him. I have seen him in the canvass.

Q. Whom was Judge Kirk supporting, you or Blunt?—A. He was supporting me.

Q. Who were the other officers on the People's ticket?—A. I would like to recall that last remark. I think Judge Kirk was supporting me. The first time that he ever made a speech that I know of he spoke for me, and I take it for granted he was supporting me.

Q. The other men running on the People's ticket with him supported you, too, did they not?—A. I hope they did.

Q. Did you not understand at the time that they did?—A. I believe they did.

Q. So while you were a Republican, you were not running on what the Republicans claimed was their ticket?—A. No, sir.

Q. Schutze, you say, was not popular with the Republicans?—A. No, sir.

Q. He had been district attorney or county attorney?—A. Yes, sir.

Q. What do you call it?—A. County attorney.

Q. And he had prosecuted some of them for gambling?—A. Yes, sir.

Q. And it was reported by Kirk and others that he had hired detectives to find out who gambled; was that it?—A. I heard Judge Kirk say, but men have told me so.

Q. Do you know anything about it yourself, except what you have heard?—A. Nothing more than I know that I got a boy and gave him money and run him off to keep Schutze from putting him in jail, and a whole crowd of my people.

Q. They had been gambling, had they not?—A. I don't know. The feeling of the people was that that boy was going to be there to swear falsehoods on a good man, and as such I knew the boy, and I went and got him some money and told him to leave, and carried him and put him on the train.

Q. Do the colored people gamble much?—A. Oh, yes, sir; everybody gambles in every State of the Union, I reckon.

Q. They are prosecuted for gambling?—A. Yes, sir; they prosecute the people for gambling. But he had those people up for playing about in old fields, in branches, and anywhere on the plantations, and for tobacco, and all such as that. They were not playing in public places.

Q. They were not gamblers in the common sense?—A. No, sir; they were no gamblers in the common sense. They were not gamblers.

Q. You say they had to vote for him because the ticket was so arranged that they could not scratch him?—A. I said many of them didn't vote for him; I didn't say they had it to do, but I do say that they felt in honor bound to do it, because we had taught them not to scratch the ticket.

Q. They supported him because he was on the ticket?—A. Yes, sir.

Q. And not because they liked him?—A. Yes, sir; many of them, as a rule.

Q. Did he get the pretty general support of the colored people?—A. I suppose he got a fair support from them, sir.

Q. How was it at Graball, where you voted?—A. I were not at Graball; I didn't vote at Graball; I voted at Washington.

Q. How was it at Washington, where you voted?—A. There was some voted against him, and some voted for him.

Q. Then you went down to Graball afterwards?—A. Yes, sir; after the polls closed.

Q. You were not there when they were voting?—A. No, sir; I wasn't there while they were voting.

Q. What did you understand to be the vote at Graball when you got down there?—A. I understood down there that Scheutze had got a good vote.

Q. The Hackworth ticket, as you choose to call it, had been successful?—A. No, sir; I didn't hear that.

Q. You heard that he had a large vote?—A. I heard that I and Scheutze had a large vote. Of course no one knew the votes in the boxes; no one could tell anything, so far as that was concerned, anything about it. I went down to see how I was coming along. I knew I had always carried that box; it was a very large box, 500 or 600 voters there. I knew I had most always carried that box against anybody I had ever run against in the county, and I went down to see how I was getting along, and I heard that I and Scheutze was running well there.

Q. Do you know Polk Hill?—A. I saw him once; yes, sir.

Q. Do you know what his reputation was in the community?—A. I couldn't tell you, sir, at all. I never heard anything against him.

Q. How long have you known him?—A. I guess perhaps I may have known him ever since he was a boy. Of course those young men grow up, and I were down there during the canvass with some friends and we met him in the road and spoke to him and called him Polk Hill. Of course I knew him, but I didn't know his name.

Q. You never heard anything against him?—A. No; I never heard anything against him.

Q. Did you know Mr. Felder and the two Joneses?—A. Yes, sir.

Q. How long had you known them?—A. I knew one of the Joneses a good long while.

Q. Which one?—A. The old man Jones—Alfred Jones.

Q. What kind of a man was he?—A. I never heard anything against old man Jones as I know of.

Q. Was he regarded as a good citizen?—A. I never heard him spoken of at all. I think he was looked upon as a quiet, good man.

Q. If he had been a bad man, would you have heard it?—A. Yes, sir; I suppose so.

Q. What do you say about the other Jones?—A. The young Jones was a young man; I have seen him. I never heard anything against him; I don't know anything against him at all.

Q. What about Felder?—A. I always looked upon Felder as my friend. I always thought he was a nice, clever colored gentleman.

TESTIMONY OF J. M. H. RANDALL.

J. M. H. RANDALL (colored), sworn and examined.

By Senator PUGH:

Q. Where do you live?—A. I live in Washington County, Tex.

Q. What part of Washington County?—A. I live in the southern part, near Pleasant Hill, south of Brenham.

Q. How long have you lived there?—A. I moved there in 1882, that is, I carried my family there in 1882.

Q. How long have you lived in Washington County?—A. I have lived in Washington County ever since I have been old enough to recollect. I guess I was about a year old when I went there.

Q. You have lived in Washington ever since you were a year old, and you are now about how old?—A. I am about thirty-one.

Q. Have you been about Brenham much, in Washington County?—A. Yes, sir; I was personally raised up in Brenham.

Q. You know the people in and about Brenham pretty well?—A. Yes, sir.

Q. When did you leave Brenham?—A. I left there in 1882, that is, the town.

Q. What do you know about the feeling between the white and black people in Washington County, how they get along together, whether there is any trouble, the cause of it, and so on?—A. They are getting on together very nicely, so far as I know.

Q. Have they been getting along in a friendly way all the time, and without trouble, so far as you know?—A. They had some little trouble down there in time back.

Q. What year was that?—A. That was in the latter part of 1886.

Q. What was the struggle about—the feeling and excitement—that year?—A. The candidates.

Q. County candidates?—A. I think so; yes, sir.

Q. On what tickets?—A. Republican and People's tickets.

Q. Candidates for what offices?—A. County offices.

Q. What county offices was the fight over. What county offices were they running for?—A. They were running for judge, clerk, district clerk, treasurer, collector, assessor, and sheriff.

Q. Which one of those candidates, running as a Republican, was the main fight about?—A. I don't know whether the main fight was about any one in particular; it was only about the county offices in general, I suppose.

Q. How was the election conducted—just as it had been, in the usual way, the parties discussing and trying to influence people to vote?—A. Well, I don't know whether it was that way or no. All I can tell is to tell how it was conducted at my place.

Q. I am only asking for your knowledge. Just state so far as you know it yourself.—A. I didn't see anything more than usual at elections.

Q. Did you go about to meetings during the canvass when the candidates were running against each other?—A. Yes, sir; I went to some.

Q. How many of them did you attend?—A. I don't remember exactly, but I attended several meetings.

Q. What did you see and hear—any opposition to the Republicans?—A. No, sir; no more than usual; each one was canvassing for themselves.

Q. Were there any Republicans against Mr. Scheutze, for instance?—A. Oh, plenty of them.

Q. Did any of them attempt at those meetings to speak against him?—A. Yes, sir; the Republicans spoke against him at the meetings.

Q. Was there any effort made to prevent them from speaking?—A. Well, there was a little, small meeting tried to prevent, but it didn't amount to anything.

Q. Did Mr. Hackworth have anything to do with preventing the black people speaking against Mr. Scheutze at any of the meetings?—A. Well, I don't know; he might have said to the chairmen of those local meetings that if this and that and the other about some of them getting up and speaking against Mr. Scheutze.

Q. What did he say about allowing the colored people who were Republicans to speak against Mr. Scheutze at those meetings; did you hear anything of that sort, or was anything done to try to prevent them?—A. I don't remember of hearing him say anything about trying to prevent them, only at one meeting, and that was at Washington. I think I met him at two meetings; I am not sure. Yes, at two meetings; I met him at Washington and at Pleasant Grove Church.

Q. State what was done there by Mr. Hackworth's or Mr. Scheutze's supporters to prevent the black people from speaking at those meetings against Mr. Scheutze.—A. I don't know of anything that was said to prevent them at those meetings.

Q. Did any of the colored people there who were Republicans speak at those meetings against Mr. Scheutze?—A. Yes, sir.

Q. What was done; when these colored people would undertake to speak against Mr. Scheutze in those meetings were any resolutions passed against them, or any effort made to prevent them?—A. Not then. Probably some one might make some remarks, but they didn't amount to anything; they would go on and speak anyhow.

Q. You say there were plenty of colored Republicans that went against the candidacy of this man Scheutze?—A. Yes, sir.

Q. Why did they oppose him, so far as you heard their expressions?—A. Well, he was the wrong man put there.

Q. Why was he the wrong man put there? Why do you say that?—A. My reason is this: Because Mr. Scheutze, I know well enough that he never taken any part in the parties, that I know of, until of late, or something of that kind; he never looked as though he was a Republican in that county, although Mr. Hackworth, I believe, would talk up for him, and so would a few others.

Q. Were the colored people in favor of Scheutze's running, so far as you could judge and hear?—A. Well, I suppose some were.

Q. You say he was not the right man to run because he had never done anything for the Republicans, and he was put forward for this place by Mr. Hackworth?—A. Yes, sir; so far as I know.

Q. Are you a Republican or a Democrat?—A. I am a Republican.

Q. Have you always been a Republican?—A. Yes, sir.

Q. For whom did you vote in 1886?—A. In 1886 I voted the People's ticket.

Q. Why did you vote the People's ticket?—A. Because they had made the best officers, and this convention was held, and candidates were nominated, and so on, without any local meetings, and I just thought it was wrong for a few men to come in there to nominate men over the people's heads. There was only a few men that did it, and I wouldn't support no such ticket, because there wasn't the right men on it.

Q. That was the ticket that Scheutze was on?—A. Yes, sir.

Q. And you say that the People's ticket had the best men on it for officers, in your judgment?—A. Yes, sir; so I thought.

Q. Are the colored men allowed to sit on grand and petit juries in that county? Do they all go in together with the white people?—A. Oh, yes, sir.

Q. That is allowed there, and has been so all the time?—A. Ever since I have been old enough to go in the court-house.

By Senator TELLER :

Q. On the present grand jury how many colored men are there?—A. I don't know exactly; I think there is one or two; I am not sure.

Q. How many compose the grand jury?—A. Twelve, I think.

Q. Do you remember who the colored man is who is on the grand jury?

The WITNESS. What do you mean; his politics?

Senator TELLER. No, no. Do you remember his name?

The WITNESS. Oh, yes, sir; I remember his name.

Q. Who is it?—A. Hunt.

Q. What is his given name?—A. Alger Hunt.

Q. Is he the only man that was indicted for the trouble that grew out of this Graball matter?—A. Yes, sir; he had some bother at Washington.

Q. Is he not indicted in the United States court for that trouble at Graball?—A. No, sir; I don't know anything about that.

Q. Well, for election trouble somewhere?—A. I don't know anything about the Graball matter.

Q. For some election difficulties?—A. I think so.

Q. That occurred in November, 1886?—A. Yes, sir.

Q. What other colored man is on the grand jury?—A. I think his name is Henry Daniel; I am not sure.

Q. You think he is on it?—A. I think so; I am not certain.

Q. Do you know him?—A. I may know him, but not personally, I don't think.

Q. Do you know how he voted at the last election?—A. No, sir; I don't know how he voted.

Q. Do you know how Hunt voted at the last election?—A. I know he voted the People's ticket.

Q. Do you remember whether there were any colored men on the previous grand jury?—A. I think there were.

Q. How many?—A. I don't know how many there were.

Q. But you think there were some?—A. Yes, sir.

Q. Are you sure there were any on there?—A. Yes, sir; I am sure there was some on there.

Q. Do you not know that there was but one colored man on it?—A. I know there was one on it.

Q. Do you know that there were any more on it?—A. I think one or two; I can't say exactly.

Q. How many colored men do you put on the petit juries? What proportion of the juries are colored people?—A. Well, probably a quarter, or probably sometimes half.

Q. You think sometimes half?—A. Yes, sir; but I think probably a quarter or a little over.

Q. You think a fourth is nearer to it than half?—A. Yes, sir; I think a fourth or a little over.

Q. You say you are a Republican?—A. Yes, sir; I am a Republican.

Q. But you voted the People's ticket?—A. Yes, sir; I voted the People's ticket.

Q. Was that the first time you had ever voted outside of the Republican party, in 1886?—A. I think not.

Q. In 1884 did you not leave the Republicans and vote the opposition ticket?—A. No, sir; I was in the Republican party in 1884.

Q. Did you vote the Republican ticket in 1884?—A. Yes, sir; I voted the Republican ticket.

Q. The whole of it?—A. I think so.

Q. You had better be sure.—A. I voted the Republican ticket in 1884.

Q. Did not Judge Kirk run for judge in 1884, and did you not vote for him in 1884, as well as in 1886?—A. I voted for Judge Breedlove in 1884.

By Senator PUGH:

Q. Did you ever fail to vote for the Republican nominees for State offices, for Republican President and Republican member of Congress, or were you voting against Republicans in 1886, on the People's ticket for county officers?—A. So far as national or State politics is concerned, I always voted with the Republicans; but come down to the county, of course I pick my men.

Q. In 1886 you voted the People's ticket, because you said they had better men on it for county officers?—A. That is what they did.

By Senator TELLER:

Q. And because you did not like the way the convention was handled—both reasons?—A. Yes, sir.

By Senator PUGH:

Q. You voted the Republican ticket for members of Congress and President and State officers. You were asked if you knew about Hunt's being indicted for interfering. Do you know that Mr. Hackworth had him presented for interfering with or preventing colored men voting the People's ticket?—A. I think it was something that way; I don't know exactly altogether about it.

Q. Do you know about Mr. Hunt's being prevented by Mr. Hackworth, and that Mr. Hunt was present when Hackworth tore up a ticket that a colored man wanted to vote; that he gave him another ticket, and Hunt interfered and would not allow it to be done, and that they got into a difficulty on that account? What about that?—A. I don't know anything more than what I heard about that; I wasn't there.

Q. Then you can not tell?—A. No, sir; I was not there.

By Senator TELLER:

Q. All you know is that Mr. Hunt was indicted for some trouble at an election, and you don't know what it is about; is that it?—A. It was something pertaining to a ticket, according to what I heard; that is all I know.

Q. Something that occurred on election day?—A. Yes, sir. I wasn't there; I was at Pleasant Hill.

TESTIMONY OF F. D. JODON.

F. D. JODON sworn and examined.

By Senator TELLER:

Q. I want to introduce a newspaper article that ought to have gone in when we were taking testimony at the last session, but it was overlooked in some way. From what paper is that article in that scrap-book taken?—A. From the Brenham Banner.

Q. Of what date?—A. From the Weekly Banner of December 9, 1886.

Following is the article referred to, ordered to be inserted in the record :

HANGED—SHED FELDER, ALFRED JONES, AND EPH JONES TAKEN FROM JAIL—THEY ARE FOUND DEAD HANGING TO A PECAN TREE.

Thursday morning, at 1 o'clock, Mr. Jim Estes, the jailer, was awakened by a man at the jail door, who, in response to an inquiry, said that he was Schley and that he had a prisoner to put in jail. This seemed reasonable, and Estes got up, lit his lantern, and went to the door, first putting the lantern and jail keys on a box in the hall. When he opened the door three masked gentlemen, two armed with Winchesters and one with a prodigiously large revolver, entered and covered him with their guns. They informed Estes that they wanted the jail keys, and, looking round, soon discovered them. They forced the jailer behind the door, and taking a gum coat from the wall threw it over his head. Others then came in, and, unlocking the jail, men went up to the cell room, and, examining all the prisoners, took out Shed Felder, aged forty-five, Alfred Jones, aged sixty, and Eph Jones, aged forty. They locked the cells and jail and, throwing the keys on the floor, they carried the lantern to the gate, blew it out, and left. Leonard Gee and John Locket, who were employed as guards, were up-stairs in the city hall; they started to come down-stairs; they were covered with guns in the hands of masked men and told to keep still, they wouldn't be hurt. It is stated all the streets approaching the jail were carefully guarded. The number of the mob is estimated all the way from twenty to seventy-five men. They came to town on horseback in the most quiet manner imaginable, and their presence was not suspected till the jail was surrounded. The men had nothing to say, and were as orderly as soldiers on dress parade; where they came from or whither they went is a mystery.

At an early hour in the morning the dead bodies of the three negroes named were found hanging to the limb of a pecan tree, about a mile from the jail, on the Independence road, near the bridge over Sandy. The news of the hanging spread rapidly, and was the cause of no little surprise, because no one had the least suspicion that a hanging was contemplated. In addition to the three hanged negroes there were five more, viz, Stephen Jackson, Felix Kinlow, William Davis, Andy Hays, and John Glass, in jail; all of them were charged with being implicated in the murder of Dewees Bolton, who was murdered by Polk Hill, a negro at Flewellen's, on the night of the election, and this hanging may properly be said to be a sequel to the unprovoked murder. Justice Hackworth impaneled a jury, who viewed the bodies of the dead negroes and proceeded to take evidence. A number of witnesses were examined, but no testimony was elicited tending in the remotest degree to identify any member of the mob. The inquest was adjourned over till Tuesday next at 10 o'clock.

The negroes were scientifically hanged with new grass ropes, and when found they were all facing one way, with their feet about 30 inches from the ground. The bodies were cut down and hauled to town in a wagon about 10 o'clock in the morning, and deposited in the jail. New drawers, undershirts, and nice shrouds were purchased, and good coffins procured and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their former homes near Flewellen's for burial.

A few days after their arrest the eight negroes were sent to Houston for safe-keeping, and only last week were brought back by order of the commissioner's court, who evidently apprehended no danger. They made a miscalculation. The officers were anxious to get the negroes out of jail, and offered to release all of them on bonds of \$500 each and to take such bonds as they could make, but the negroes, acting under the advice of their Republican friends, refused to make bond, but a lawyer was preparing papers to get them released on habeas corpus. Thursday afternoon the remaining five were released on bonds of \$500 each, going on each other's bond. They were greatly rejoiced at their supposed narrow escape and left for home at once.

The hanging was the general theme of conversation during the day and a variety of opinions were expressed; most good citizens regret the hanging, but in the present state of public feeling it is regarded as one of those occurrences that could not well be avoided, and also that the negroes got no more than they justly deserved.

The murder of Bolton and the subsequent mobbing of these negroes is the direct outgrowth of the incendiary speeches made by the Republicans during the canvass and the advice of the two envoys who induced the negroes to arm themselves and go to the voting place at Flewellen's. The Republican leaders will doubtless attempt to make political capital of this affair and the defunct darkeys will be mentioned as having fallen martyrs to the cause of Republicanism in Texas. The hanging of these negroes by a mob is an occurrence to be regretted, but it was brought on by the very men who professed to have the greatest friendship for the negro and whose friendship consisted in arraying the colored people against their employers and true friends.

The verdict.

The jury of inquest summoned by Justice Hackworth to inquire into the cause of the death of Shed Felder, Alfred Jones, and Ephriam Jones, who were taken from jail at 1 o'clock on the morning of the 2d instant, on Tuesday morning returned a verdict that the parties named came to their death by hanging, and that the parties who hanged them are unknown. The testimony covered fourteen pages of paper, but nothing was elicited calculated to identify the men who did the hanging.

Q. Have you been back to Brenham since your testimony was given before in this matter?—A. Yes, sir; I reached there on the 23d of last October.

Q. You may state what your experience was at Brenham.—A. I will state in the outset that Mr. Swearingen, in a conversation here the other day, said I would be as safe in Brenham as he would be.

Q. Who is this gentleman?—A. The gentleman here present, an attorney and witness. His name is J. T. Swearingen.

Q. A gentleman from that county?—A. From Washington County, now here representing the defense.

By Senator PUGH:

Q. Are you not here in the prosecution of this case?—A. I will tell you what my condition is as I go along, Mr. Pugh.

By Senator TELLER:

Q. Go on.—A. After I left here I went over into Maryland. I was there about ten days, I suppose, visiting friends and relatives.

Q. You started to tell what Mr. Swearingen said.—A. In a conversation here on Monday, which he brought up, we were discussing the situation in Washington County. He stated that I would be just as safe in Washington County as he would himself. I told him that that surely was not true.

Now I will go on and state about it. I went over into Maryland, and while at Emmittsburg, I received a letter from my wife begging me not to come back, and in a little while I got, I suppose, half a dozen letters from different friends, warning me not to come back. My intention was to go back just as soon as my visit was over, but through my wife's entreaties and the warnings of my friends I did not go back. I staid in Maryland and West Virginia until about the 16th of last October. Then I determined, against my wife's desire and against my friends' wishes, that I would not stay away from my family any longer. I went back there with the idea that they would not disurb me, because I had done nothing more than I have done here. I had done what I thought was my duty as a citizen. I had been brought into the case because I had been an attorney for the negroes that were hanged, and nothing else. I had no part in the political troubles; never have voted the Republican ticket, except occasionally for county officers, never in my life. When I got back there some of my friends told me I was in danger, and that I ought not to have come back. In judgment I disagreed with them. About three weeks afterwards I was out in the street one day, talking to a friend, when Bob Wright, who was a witness up here before, and who was one of the officers at Flewellen, I saw coming across the street directly opposite me on Hosea's corner. I also saw Hunt, Gus Hopkins, and several other Democratic colored men who had taken a very active part in it down there, and I saw the county officers out in front of the court-house, on the east side of it, in a group. I had been warned about Bob Wright, that he would make an attack upon me. I didn't think he would do it. I had no arms or anything of the kind about me. A little before the attack was made, John Lockett, a

policeman, who was the man that was on guard at the jail the night the negroes were taken out, and who left his post and went up into an adjoining building where it was not possible for him to defend them—John Lockett came behind me and sat on a barrel. I knew he was a bitter enemy of mine, just as bitter as he could be.

By Senator PUGH:

Q. What are his politics?—A. Democratic; that is, one with the People's ticket all the way through. I consider him a Democrat on that account.

Q. All those who voted the People's ticket are Democrats?—A. No, no; I don't think so, Mr. Pugh; I don't charge so. I know it is not so.

By Senator TELLER:

Q. Go on with your story.—A. He came behind me, within three or four steps, and sat down upon a barrel. I was suspicious the moment he came and sat down, and when I saw these other parties around different places I was more so. In a few minutes I saw Wright walking across the streets with his hands in his pockets, and I was satisfied he had something in them. My wife had warned me about Bob Wright, because some of my friends had told her before I came back that he would attack me. I was sorry then that I had gone upon the streets, because I thought difficulty was coming. He came up to me, walked up very close, and the first thing he said he wanted to know what I had stated up at Washington at this investigation. I said to him, "Bob, whatever I have said is sworn to, and in black and white." Then he went on to state that I had spoken badly about him up here; that I had said he had lied in all his testimony. I told him there was no truth in it; that the record would show there was no truth in it. He told me that Mr. David and a number of others had told him that I had said he had lied. I told him I had the record at the house. I wanted to avoid a difficulty because I was in no situation to get into one. I hadn't a friend there to depend upon. He kept pushing me, and at last I backed off from him. In the mean time I had gotten up from the barrel and stepped around the corner, and I kept trying to baffle him as much as I could, and at last turned to leave him, and as I turned to leave he struck me on the back of the head; I don't know whether it was with a pair of brass knucks or what it was, but I know it nearly knocked me down, and raised quite a lump. As soon as I arose we exchanged a good many blows.

Q. You mean you and Wright exchanged blows?—A. Yes, sir; after he struck me. I had no arms, and I was afterwards glad of it. My friends had told me not to carry arms, because if I did and they were shown on the streets, it would not be well for me, and I took their advice. I thought it was useless to fight under the circumstances. After that I was arrested and fined for having struck the first blow. Mr. Lockett and Mr. Wright swore that I had struck the first blow, and I could not find a witness to testify anything about it for me, although there was quite a number of persons around at the time. I found parties afterwards who saw it and told me they saw Wright strike the first blow, but it was too late then.

After that my friends came to me and told me that I must leave the place. I told them I was not situated so I could leave; that I didn't have the means to leave with; that I had been away from my family so long, and I thought there was a prospect of my being able to sell my property, and I would like to take my family with me when I went. They told me that if I staid there I must not go upon the streets; that

if I did I would have to take the consequences. So from the 20th of November until the 8th day of February I never went upon the streets of Brenham except two or three times, perhaps half a dozen times, at night to visit friends on the outskirts. It was not that I was too cowardly at all, but I didn't feel that I ought to run such risks. I had already run more risks than I felt I was justified in doing.

Q. What did you do then?—A. I sent to my brother-in-law in West Virginia and got some money; I couldn't raise it there, that is the truth of it. But when Mr. Swearingen says I am as safe in Brenham as he is he tells what he knows is not true. There is no man who has a wife and seven children would have staid away from home the length of time I have, and you know it [addressing Mr. Swearingen]. God Almighty will punish you men for this thing before you are done with it, if man don't.

Now I will read from the Banner.

Q. Is that a Democratic paper?—A. Yes, sir; it is a Democratic paper.

Q. Give the date of it.—A. It is dated February 25, 1888.

In our last issue casual reference was made to the introduction into the United States Senate of a resolution for the continuance of the committee on the alleged Washington County outrages. We now further casually observe that F. D. Jodon, of savory reputation, has again mysteriously disappeared from the city—

I never mysteriously disappeared at all. I left at 12 o'clock at night, and a friend or two went with me. I never left the county except in broad, open daylight, before—

and it is hinted that he and Steve Hackworth are both at Washington trying to stir up and revive the matter. The Banner can not be induced, under any circumstances, to countenance lynch law, but it does seem a pity that instead of the ignorant negroes, who were their tools, these designing soundrels were not hanged higher than Haman.

(Addressing Mr. Swearingen.) Explain it; there is your organ.

MR. HACKWORTH. That is the Democratic organ of Washington County.

Q. You say you never voted the Republican ticket; you were not a Republican?—A. No, sir; never in my life.

Q. What were your politics?—A. In 1873 I was a Democrat; since that time I have voted the independent ticket.

Q. Of what State are you a native?—A. Maryland. I will tell you further, Mr. Teller, before I left there I intended to go into North Texas. I have learned to love the South. I love the South and her people, so far as they are right. But my wife told me when I left home, "Mr. Jodon, neither social nor political peace can be ours as long as we stay South; we must go North."

Q. How long had you lived in the extreme South?—A. All but about seven years of my life.

Q. How long have you been in Texas?—A. Twenty-one years.

Q. Where were you before you went to Texas?—A. I was in the Southern army four years.

Q. The Confederate army?—A. Yes, sir.

Q. How long?—A. Three years and eight months.

Q. Did I understand you to say that your only connection with this matter was as attorney?—A. Nothing else on earth.

Q. You had nothing to do with the election?—A. No, sir; I never attended a meeting.

Q. When were you employed by these colored people who were hanged?—A. About three or four weeks after the election.

Q. You were a practicing attorney in that country?—A. Yes, sir.

Q. How long had you been practicing?—A. Since 1877.

Q. How long in that neighborhood where you lived?—A. I lived twenty-one years right in that town of Brenham.

Q. Where are you now living?—A. Wherever my hat is on, or off, I suppose.

Q. Where is your family?—A. In Brenham.

Q. You left your family there?—A. Yes, sir. I can't sell my property. They say in this article that I left for the purpose of attending this investigation. I went to Topeka, Kans., to look for employment. I was there for sixteen days trying to get newspaper work or any other work, and without notification of any kind that I was wanted here until I was summoned by a telegram at Topeka to attend here. I did not even know the investigation was coming on. I supposed it might, but I had had no notification at all.

Senator TELLER. There is no question about that. I know that Mr. Jodon did not come here of his own motion, but in response to a telegraphic summons.

The WITNESS. Mr. Swearingen asked me the other day if I was not paid to attend some committee here. I want to state on oath, in as solemn a manner as I can, that I have never received a dollar for my services as attorney here. I have never been promised any, nor do I expect any. All I get is simply my per diem and mileage as a witness. No man has ever promised me a cent, nor have I asked for any pay, or expected it. I have done my duty as a citizen ought. That is simply what has actuated me.

Q. Do you expect to return to Texas?—A. No, sir; I do not.

Q. Why?—A. Simply because my wife has begged me not to come there, and I feel that it would be unsafe.

Q. Do you think your life would be unsafe?—A. Yes, sir. I would not go back under any circumstances.

Q. Is there anything further you desire to say?—A. No, sir.

By Senator PUGH:

Q. What evidence have you that you would be unsafe in Brenham, except what your wife has written you and your own belief?—A. Well, simply the attack made upon me by that man; that is one reason, and what I have stated in regard to the collection of men around there; and the evidence of the paper there is about as strong as I want. That is the official Democratic organ of the county, and I don't think you could make it stronger. I want nothing better.

Q. You had a fight on the street with Mr. Wright?—A. Yes, sir.

Q. And you say many persons witnessed it?—A. Yes, sir.

Q. Did any person assist Mr. Wright in his fight with you?—A. No, sir.

Q. What injury did you receive in that fight?—A. I got a blow upon the back of the head and some blows in the face.

Q. Did you not give about as good as you got?—A. That was my disposition. My manhood has been tried in hot places. I have never shirked my duty where it was necessary for a man to do it.

Senator PUGH. I have no doubt, Mr. Jodon, that you really apprehend danger, but I know those people pretty well, and I have no idea that you would be in any danger at all to go there and live.

The WITNESS. Mr. Pugh, the trouble with you is you will have the Southern idea.

Senator PUGH. Yes, I am a typical Southern man.

The WITNESS. Yes, you are indeed.

Senator PUGH. And I am proud of it.

The WITNESS. I will tell you, candidly, I am a Southern man sufficiently to be an American citizen; I don't know any lines, I tell you that. I have got no prejudices that would carry me any place or any way.

By Senator TELLER :

Q. Were you present at this trial in the Federal court?—A. No, sir; I was present during part of the trial of Polk Hill at Cameron. They did not summon me, although I was within call; they never have summoned me to go to Austin.

Q. I suppose you had no knowledge of the transaction?—A. No, sir; except hearsay.

Q. Has there ever been any investigation as to the hanging of these men, your clients?—A. No, sir.

Q. Was there any coroner's inquest?—A. Yes, sir; there was a coroner's inquest.

Q. But there has never been any indictment?—A. No, sir.

Q. Nobody ever arrested?—A. No, sir.

By Senator SPOONER :

Q. Has there been any offer of reward?—A. No, sir; it wouldn't be healthy for a man to do that in Washington County.

By Senator TELLER :

Q. To offer a reward?—A. I don't think any man would dare to offer a reward in Washington County.

Q. Was there any expression by the Democrats or by the newspapers of any indignation or condemnation of the hanging?—A. No, sir; I never heard of it at all except, incidentally, what the Banner has put in, but it qualified it in such a way as to say that it thought the negroes had got what they deserved.

TESTIMONY OF J. T. SWEARINGEN.

J. T. SWEARINGEN sworn and examined.

By Senator TELLER :

Q. Do you know anything about a subscription or the raising of money to defend these people who were indicted, charged with this offense in the Federal court?—A. I don't know about any money being raised. There was a cane presented to some of them.

Q. Presented to whom?—A. I think it was to Mr. Shepherd.

Q. Was he an attorney?—A. He came from Dallas, some distance from Austin; he had been raised in our county, and was a personal friend of some of the men indicted. He came from Dallas down to Austin, and defended them. He is a lawyer of prominence and ability, and his time is valuable. A cane was presented to him by the defendants and their friends.

Q. A gold-headed cane?—A. Yes, sir.

Q. How was the money raised for that, do you know?—A. I think it was raised by contributions.

Q. How were the contributions collected? Was there a public call for contributions?—A. No, sir; there was a public announcement of thanks for the attorneys. I think this contribution was just made by four or five of the boys putting in the money, and going over to a jewelry store and ordering it. There was no subscription list.

Q. Do you not know that there was money raised to defray the expenses of Judge Kirk and his associates, and of the witnesses going down to Austin to this trial?—A. No, sir. I don't know it of my own knowledge.

Q. Have you never heard of it?—A. I think I have heard something about that.

Q. Was it not a matter of common notoriety there?—A. It may have been; I don't know about that. I confine myself to my office, generally, and do not know everything that is going on.

Q. You did not participate in that?—A. I did not. I do not think that any demand was ever made upon me or I would have done so.

Q. You are pretty well satisfied, are you not, that there was a fund raised of some amount?—A. Not to call it a fund; there may have been some money raised to pay the expenses of witnesses to Austin; that is very probable, but I do not think anything like a fund to pay attorneys' fees, or to pay expenses there.

Q. How did you understand these attorneys were paid?—A. I don't think they were paid at all.

Q. Were they volunteer attorneys?—A. I think so.

Q. Ex-Governor Ireland was one attorney, I believe; what other attorneys appeared?—A. Mr. Seth Shepherd and Mr. Searcy, I suppose, were the defendants' attorneys in the case. There were quite a number of defendants in the case, and some of them may have retained other attorneys, and I think they did.

Q. Were they all influential attorneys?—A. Yes, sir.

Q. All leading attorneys?—A. Mr. Searcy is not a very prominent attorney, but a man of some local reputation.

Q. Was not Governor Hancock there?—A. I do not know that Judge Hancock had any connection with it at all. I was not there.

Q. You did not go down to the trial?—A. No, sir.

Q. After the trial was there not some kind of a demonstration in the way of a meeting held in your place?—A. Yes, sir; there was a small meeting one evening. Mr. Bryant asked me if I could not come up and attend a meeting, saying that they were going to have some resolutions thanking the attorneys for their voluntary defense of the people.

Q. That was done, was it?—A. Yes, sir. I think it was acknowledged in the Banner the next morning, and the resolutions published.

Q. Published in the Banner?—A. Yes, sir.

Q. Have you those resolutions with you?—A. No, sir.

Q. Were they published in any other paper except the Banner?—A. I don't know; they may have been.

By Senator PUGH:

Q. Is there anything you desire to state?—A. I would like to correct Mr. Jodon's statement about my having broached this subject. He is a man of very excitable emotional nature, and has got himself very much wrought up in this matter, and I would not have opened the subject with him. In other respects I believe his statement is about true, except where he says that I commenced the conversation with him. I don't remember that, and usually I would not commence a conversation with a man of his nature.

Senator TELLER. There is no impropriety in his mentioning the conversation if he wanted to.

Senator PUGH. As to the safety of Mr. Jodon.

The WITNESS. I think now, if he would go back there and behave himself like he has done heretofore, he would be just as safe as I would be there.

By Senator SPOONER :

Q. "Behave himself?" What do you mean by that?—A. Go along and attend to his own business and not bother men like he did Wright on the street that day, as I heard it, and as he did me just now when he said that I had stated something that I knew was not true. A man couldn't say that on the streets of Brenham unless he got struck for it. The lie in Texas is equal to the first lick. I think he did Mr. Wright just about as he did me just now.

Senator PUGH. A man who had apprehensions of danger, who was afraid of the loss of his life, would not have acted and talked that way in the public street, would he?

Senator SPOONER. Do you want to examine him as an expert on that subject?

Senator PUGH. I think every man is an expert on that subject.

Mr. JODON. It was clearly proved on the trial that Wright approached me.

Mr. SWEARINGEN. I do not know anything about that.

By Senator PUGH :

Q. Do you know anything about any subscription being raised to build a house for Mr. Jodon?—A. Yes, sir. His house was burned down one night, about 1885 or 1886, and Mr. Charlie Harvin carried around a subscription paper and raised some money for him.

Mr. JODON. For which I am truly grateful.

Senator TELLER. That was before this thing occurred?

Mr. JODON. It had nothing whatever do with it.

Ms. SWEARINGEN. I believe the same men would do it again.

Mr. JODON. I lost \$1,000 and got \$175.

By Senator TELLER :

Q. You mean he would be just as safe in Brenham as you, if he would drop this whole thing. He would not be allowed to talk about this matter, I suppose?—A. I don't think the people of Texas are disposed to hold Mr. Jodon responsible for this.

Q. Some individuals might, might they not?—A. I think not.

Q. You think it would be perfectly safe for him?—A. I think it would be just as safe for Mr. Jodon as it would for me.

The subcommittee then adjourned to meet again at the call of the chairman.

The first part of the paper is devoted to a general
discussion of the problem. It is shown that the
problem is of great importance in the theory of
the differential equations of the second order.
The second part of the paper is devoted to a
detailed study of the problem. It is shown that
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IN THE UNITED STATES DISTRICT COURT.

THE UNITED STATES
vs.
LAFAYETTE KIRK ET AL. } August term, A. D. 1887.

TESTIMONY OF JOE HOFFMAN.

JOE HOFFMAN sworn:

Q. Where do you reside?—A. I reside in Burton, Washington County.

Q. How long have you been there?—A. I have been there several years.

Q. Are you well acquainted in Washington County?—A. Yes, sir, I think I am..

Q. Are you acquainted with the different voting places in Washington County?—A. Yes, sir, I think I am.

Q. Can you state what voting places there were returns from at the election in 1886?—A. Well, to the best of my recollection, there was no return from Flewellyn and Chadwicks, and I think some others.

Q. You seem to be speaking from information?—A. I have reference to the election of 2d of November, 1886.

Q. What kind of election was it, a general election?—A. Yes, sir; general officers, State officers, and members of Congress.

Q. State whether or not you were at that election.—A. I was.

Q. Were you a candidate for any office?—A. I was a candidate for the office of assessor of taxes.

Q. State something of the nature of the canvass in that county.—A. I went to the meetings as much as I possibly could; the meetings were generally at night; the Democratic candidates went there as well as the Republican candidates.

Q. State what tickets were running.—A. There was a straight Republican ticket and a People's ticket.

Q. What ticket did you run on?—A. I ran on the Republican ticket.

Q. State whether any of the defendants ran on the ticket.—A. Kirk ran on the People's ticket for county judge.

Q. What part did Kirk take in the election?—A. Kirk ran for himself and for the People's ticket against the Republican candidate.

Q. What was the relative strength of the Republican ticket and the People's ticket?

(Objected to by defense.)

Q. What was the relative strength of the parties in the election before that?—A. Do you mean in 1884?

(Objected to by defense as irrelevant and objection overruled.)

A. In 1884 the Republicans were largely in the majority.

Q. In that county?—A. Yes, sir.

Q. Do you know anything about the Flewellyn box? Was it Republican?—A. In 1884 it was. There were two Democrats running for county judge I think.

Q. The Republican ticket generally gets a majority there?—A. It formerly did.

Q. A clear majority at Flewellyn?—A. It was always ahead. Judge Kirk was even with Breedlove in 1884. There was a Republican in the field running against Lewis. Lewis is most popular and always has had the vote. At Chadwick there is a new box and I don't know how the vote has gone there. It is a Republican box.

Q. What was the majority there in 1884?—A. There was a Republican majority there in 1884. From the returns Blount gave me the Republicans got 86 in 1886. Spann told me the same thing.

Q. Chapel Hill is Republican?—A. The majority was 300 or 400.

Q. Tell whether the competition in 1886 was close or not.—A. No, sir; it was not close.

Q. The Republican ticket was ahead of the People's ticket?—A. Yes, sir.

Q. State now what interest had Kirk in the People's ticket for himself.—A. He ran and spoke for the People's ticket and spoke for himself and for the Democratic party. We were at several meetings. I thought Kirk made several severe threats. Lungheimer, Buck Searcy, Garrett, Tricker, and Ben Rogers were present. Judge Kirk was standing on a cotton-bale, and he spoke there. He said if any man contradicted anything he said he would pull him off the bale. He said he did not want the crowd to interfere with him. That is the only time I heard him use that language. I got up to reply to him all the same. I have seen some of the men at other meetings. They supported the People's ticket. I think Sligh was a candidate for constable for Precinct No. 2.

Q. What other interest did they have in it?—A. They had a general interest.

(Objected to by defense as irrelevant.)

Q. Were any other of the defendants taking an active interest in the election?—A. They were at the meetings. I can't say they took an active part. Some of them were with Kirk at the speaking.

Q. Do you know Bolton?—A. I don't know him intimately. I don't know of his taking an active part. I hear he was a candidate for commissioner for precinct No. 1.

Q. Give us a diagram of the relative positions of Chapel Hill, Brenham, Flewellyn, and the other voting places.—A. [Witness prepared diagram and explained same to the jury.] From Chapel Hill to Brenham is about 10 miles; to Graball is about 16 miles; from Brenham to Lot's store is about 16 miles; from Chapel Hill it is about 11 or 12 miles.

Q. Is there any road from Flewellyn to Brenham?—A. Yes, sir; a straight road.

Q. Show it to the jury.—A. [Marked and explained by witness.]

Q. What is the distance?—A. About 17 miles.

Q. You say there is a road from Chapel Hill to Graball?—A. There is a road goes from Flewellyn.

Q. Joe Volan's place is between Chapel Hill and Flewellyn?—A. It is four or five years since I was there.

Q. What direction is Chapel Hill from Brenham?—A. East, on the railroad.

Q. What direction is Flewellyn from Chapel Hill?—A. North or northeast.

Q. What direction is Graball from Chapel Hill in relation to Flewellyn?—A. I think it is east from Flewellyn and northeast from Chapel Hill.

Q. Is it to the right from Chapel Hill?—A. It is to the right.

Q. How many miles from Flewellyn?—A. I think it is 5 or 6 miles. Right close to the Brazos River on the road to Courtney, I think.

Q. Where is Courtney?—A. In Grimes County.

Q. How far from Flewellyn?—A. About 11 or 12 miles, and from Graball about 5 miles.

Q. Do you know where Bolton lived at that time?—A. I do not.

Q. Do you know where D. B. Bolton lives?—A. Yes, sir. About half way between Courtney and Flewellyn. If he goes by Flewellyn and from there to Chapel Hill I think it is about 14 miles to Chapel Hill.

Q. Is there a telegraph office at Courtney?—A. I think so, sir; I have never been there.

Q. Going from Chapel Hill to Flewellyn you travel east?—A. Yes, sir; about 12 miles.

Q. Is Flewellyn on the road from Graball to Brenham?—A. Yes, sir; as near as I know.

Q. When you go from Chapel Hill to Graball and Flewellyn is that on the same road?—A. No, sir; you have to go north by Joe Jackson's.

Q. When you come from Chapel Hill to Brenham you leave Chapel Hill on the right?—A. Yes, sir; you leave it on the right of Flewellyn. If you go direct from Chapel Hill to Graball it would make a difference of 15 miles.

Q. Did you hear the testimony of Kirk at Washington?—A. Yes, sir.

Q. State whether or not he admitted he was in Chapel Hill and Flewellyn on the night of the election.—A. Yes, sir, he did; he admitted it. He said he left Brenham in company with Boyd at 5, 5.30, or 6 o'clock, and he staid in Chapel Hill till 9 or 9.30 and went from there to Flewellyn. He said Boyd left him there at Chapel Hill.

Q. Did he state when he got to Flewellyn?—A. I think he stated he got there at 10 or 10.30.

Q. Did he say when he left?—A. He said he left there and went towards home at 12 or 12.30, I am not certain which; it may have been 12 or 1 or 1.30.

Cross-examined by Mr. SHEPHARD:

Q. Where were you on election day?—A. I was at Burton.

Q. Were you there all day?—A. No, sir; not all day; I was there till 5 or 5.30.

Q. Where did you go?—A. I went horseback to Brenham.

Q. Did you go anywhere from there?—A. No, sir; I got there about 8 o'clock.

Q. You staid there?—A. Yes, sir, for about 10 days.

Q. You were a candidate?—A. Yes, sir.

Q. What did you go to Brenham for?—A. I went there because there was a minority there.

Q. Did you go there to ascertain the result of the election?—A. No, sir.

Q. Did you know anything about it then?—A. I heard that Searcy had got there.

Q. Did you have any news from any of the other boxes?—A. No, sir; not from my friends.

Q. Were you unaware of the state of the polls when you left Brenham?—A. Yes, sir; I had only rumor.

Q. Did you go to any of the meetings?—A. Yes, sir; I went to political meetings; I made speeches myself.

Q. Who was with you; were any of these defendants there?—A. No, sir, not all; I saw Sligh there.

Q. He lives at Chapel Hill?—A. Yes, sir; I think about half a mile from there.

Q. I am talking about the election in 1886?—A. Yes, sir; I saw Sligh in 1886 at the election. Kirk spoke there and Rogers and Potter, and I don't know how many others spoke. I don't know what others I saw at that election.

Q. What others did you see at that meeting?—A. I don't know I saw any others; I don't know there were any others.

Q. You saw Kirk?—A. Yes, sir; he and I were all over the county.

Q. How many of the People's ticket had been elected at the time you speak of?—A. I think all except the office I ran for.

Q. Kirk ran in 1884?—A. Yes, sir, and was elected; I think he carried the Flewellyn box at that time, but I am not sure.

Q. Did Breedlove have the Republican indorsement?—A. He did, but he was not supported by them.

Q. Do you know whether Kirk had the Graball box?—A. I don't know; it was very close.

Q. How was it at Lot's store?—A. I think the same way; he ran there remarkably well.

Q. Had not Hugh Lewis been elected at the election before?—A. Yes, sir, and for ten or twelve years.

Q. Did he carry the Flewellyn box?—A. I think so.

Q. Is he a Democrat?—A. I think so, sir.

Q. Did Mr. Haynes, the county attorney, carry these boxes?—A. I think so, at one time.

Q. Haynes or Schutze?—A. I think Haynes by 90 votes. I knew Evans carried the box against me. I think Norwood carried it against Evans.

Q. These boxes are in Washington County precinct?—A. Yes, sir.

Q. Was there ever anything irregular about the voting at that precinct until that year?—A. No, sir.

Q. Was Kirk working any more during the election than you were?—A. Yes, sir, I think so. I never had a chance to get to work until my box rolls were made out.

Q. You were very active when you did get out?—A. Yes, sir; I worked for my part.

Q. The time Judge Kirk spoke at the stand and said he would put anybody off the stand who contradicted him, was it at Burton?—A. No, sir; I said at Pleasant Hill. He was talking generally, and said that lies were told on him. What they were I do not know. He explained about the school vouchers. He was not charged with forging them, but it was done during his term of office. I understood he said that if anyone interfered he would put him off that cotton-bale.

Q. How long was this before the election?—A. I think Mills spoke at Burton on the Saturday; I think it was the 26th of October and Mills spoke there and so did Ireland, and it was on the next Monday or Tuesday. Searcy was there and Mills and Kirk talked to the people as county candidates.

Q. Was there any disturbance at that meeting?—A. No, sir; not that I know of.

Q. What did Kirk say?—A. He said if any man interfered he would take him aside and settle with him. He did not want the crowd to interfere.

Re-direct:

Q. Where did Kirk make this declaration?—A. In Washington County.

Q. Were all the ballots returned in 1884?—A. I think so, but there were three men shot in Chapel Hill in 1884.

(Objected to by the defense and objection sustained. District attorney claimed that he did not ask the question.)

TESTIMONY OF MARSHALL BOOKER.

MARSHALL BOOKER examined:

Q. Was there an election at Lot's store in 1886?—A. Yes, sir.

Q. Was it a general election?—A. Yes, sir.

Q. Were Representatives in Congress voted for?—A. Yes, sir.

Q. Who were the presiding officers?—A. C. P. Spain and his father, M. C. Spain, and I think one or two darkies. I had nothing to do with it myself.

Q. Do you know what became of the box that you counted the votes in?—A. Yes, sir.

Q. State it to the jury.—A. They were captured from Spain and myself on the way to Brenham by three masked men.

Q. Relate what occurred there.—A. On the 3d of November Spain took the box to Brenham. I went with him. We got to Independence about dark, and the buggy was so out of repair that we had to get another vehicle. After we got about 3 miles from Brenham we were halted by three masked men. They said they wanted the box. Two of them had six-shooters and one of them had a Winchester. Spain refused to give the box up. He said they would have to take it. One of them said, "By God we'll take it." Spain asked me what to do, and I said that rested with him.

Q. What was in the box?—A. The votes cast at Lot's store.

Q. What kind of tickets were they?—A. General tickets with all the names on them, I guess.

Q. How many tickets were in the box?—A. I don't remember how many were polled there.

Q. Can you make an estimate?—A. No, I could not tell.

Q. Which one was in the majority?—A. I think the Republican ticket.

Q. How were these men masked?—A. They had handkerchiefs over their faces, I think.

Q. All over their faces?—A. I think they had all over their faces.

Q. Did you know any of them?—A. I did not.

Q. You were forced to give up the box?—A. Yes, sir.

Q. That was on the 3d of November, 1886?—A. Yes, sir.

Q. What was your object in going by Independence?—A. I had a brother there. And the main object was that I had a saddle belonging to Johnson there.

Q. Was it night or day when this robbery took place?—A. At night.

Q. What time?—A. About 8 o'clock on the 3d of November.

Q. What county was it?—A. Washington County.

Q. What was the number of that reservation?—A. I don't know.

Q. How far is it from Brenham?—A. About 20 miles.

Q. Is that the nearest road?—A. I guess so.

Q. When did you finish counting at that store?—A. I had nothing to do with it that day.

Q. Well, the officers?—A. I think about 11 or 12.

Q. On the night of the 2d?—A. Yes, sir.

Q. You started the next evening?—A. Yes, sir.

Q. The box remained there?—A. No, sir; Spain took it home with him that night.

Cross-examined:

Q. How far from Independence were you when the box was taken?—

A. About 10 or 12 miles, I guess.

TESTIMONY OF E. B. BROWN

E. B. BROWN sworn.

Q. Where were you on the day of election on the 2d of November, 1886?—A. At Graball.

Q. Who were the officers of election?—A. Myself and Shaw and Ben Aubrey and Butcher.

Q. How many votes were cast that day?—A. I think at this present time it was about 367, or thereabouts.

Q. What ticket was in the majority, Republican or Democratic? (Objected to by the defense.)

Q. How many did you count?—A. If not mistaken, I think about 200.

Q. Which was ahead, the People's ticket or the Republican?—A. The Republicans were ahead.

Q. How much?—A. The Republican ticket was about four to one.

Q. That was at the poll at Graball?—A. Yes, sir.

Q. How was the election for county judge?—A. Schutze was in the lead.

Q. How many?—A. About four to one.

Q. He had 4 votes to Kirk's 1 vote?—A. Yes, sir.

Q. Now state what occurred at that poll.—A. Late in the night the box was taken from us by three armed men.

Q. What time?—A. About midnight.

Q. Can you fix it more definitely than that?—A. No, sir.

Q. How many tickets had you counted?—A. I disremember, but we had something over 100, I think.

Q. State what was done when the box was taken?—A. They required us to give up the box, and we gave it up.

Q. Did they take the box?—A. Yes, sir.

Q. Had they anything on their faces?—A. Yes, sir; they had something spread over their faces. Two of them had a white cloth and one had a red one.

Q. How many boxes were there?—A. One.

Q. What was in it?—A. Tickets.

Q. What kind of tickets?—A. Tickets that had been voted.

Q. What names were on them?—A. Kirk and one Hoffman, and some State officers.

Q. Who were the candidates for Congressman?—A. R. Q. Mills. I don't know the men on the other ticket.

Q. Were those tickets in there?—A. Yes, sir.

Q. About how many in the box that was taken?—A. Something over one hundred.

Q. Did you ever see these tickets again?—A. No, sir.

Q. Was no return made to the county judge?—A. No, sir.

Q. Did you ever make a return of the vote?—A. No, sir.

Q. Why did not you make it?—A. There were no tickets returned there.

Q. Was anybody in the room before the taking of the box?—A. Yes, sir.

Q. Who was it?—A. Mr. Bolton.

Q. Was anything done while he was there?—A. The box was taken while he was there.

Q. Did anything else occur before the box was taken while you were counting?—A. There was a gentleman making copy for us—drink.

Q. Did you see any notes passed?—A. Yes, sir; Mr. Coloway brought in one and presented it to Mr. Cornelle.

Q. Did anybody come in there and ask how the votes stood?—A. Yes, sir; Mr. Caloway and Bolton, and some colored men.

Q. What did you do with the tickets you had counted?—A. They were strung on a thread and lying on a table. They grabbed them too.

Q. That was on the 2d of November, 1886, in Graball?—A. Yes, sir.

By the COURT:

Q. Can you tell whether they were colored men or white men?—A. Yes, sir; white men.

Cross-examined:

Q. Are you a Republican or a Democrat?—A. I am a Republican.

Q. What sort of light had you there?—A. A big lamp.

Q. What sort of light did it give?—A. A very large light.

Q. Did you have any more than one light?—A. We had one light.

Q. You thought they were white men?—A. Yes, sir; their hands were white and they had long, straight hair.

Q. How do you know?—A. I had to look at them, for one of them had a pistol and I was sure scared.

Redirect:

Q. Can you identify any of these men present?—A. Yes, sir; Spain.

Q. Were you a presiding officer in 1886?—A. I was clerk.

Q. After you came to the ballot state what you did?—A. I carried the box home until next evening, at 3 o'clock, when I started for Brenham, and between Independence and Brenham I was stopped by three masked men and made to give up the box.

Q. Did they have pistols or guns?—A. Yes, sir.

Q. Were there any tickets in the box?—A. Yes, sir; all of them, about 189.

Q. How did the vote stand?—A. There was about 156 Republican and 33 People's tickets.

Q. How was the Republican vote for Congress?

By the COURT:

Q. State what names were on the ticket?—A. I can't remember.

Q. Do you know how the Republicans voted for Congress?—A. No, sir; but they voted against the other man.

Q. Could you tell whether they were white or colored men?—A. No, sir; it was shady lot.

Q. How did the vote for county judge stand?—A. I think there was a majority for Schutze.

Q. How many?—A. I don't know; I could not form any correct estimate, but he had the majority.

Q. What became of the tally-sheets?—A. Two or three were taken from me; the other is in the possession of the presiding officer.

Q. Don't you remember how the vote stood?—A. No, sir.

Q. That was in 1886, in Washington County?—A. Yes, sir.

Q. Do you know what became of the box with the tickets in it?—A. No, sir.

Cross-examined:

Q. The copy of the return was kept by the presiding officer?—A. Yes, sir.

Q. The duplicate was taken from you?—A. Yes, sir.

Q. The other one was not taken from anybody?—A. No, sir.

Q. You don't remember the name of the candidate running against R. Q. Mills?—A. No sir, I don't remember his name.

Redirect:

Q. Did you make any return of the Congressional election?—A. Yes, sir.

Q. Were the names of the Congressmen on the tickets that were stolen?—A. Yes, sir.

Q. As well as the county officers?—A. Yes, sir.

SECOND DAY.

TESTIMONY OF RICHMOND HAYDEN.

RICHMOND HAYDEN sworn:

Q. Where do you live?—A. At Chapel Hill.

Q. In Washington County?—A. Yes, sir.

Q. What is your voting place?—A. Chapel Hill is the place.

Q. Was that the voting place in 1886?—A. Yes, sir.

Q. Did you have an election at Chadwick's gin in 1886?—A. No, sir.

Q. State why you did not—state the facts?—A. We all met that day——

(Objected to by defense as irrelevant.)

A. We all met there at 8 o'clock and went down intending to vote. Nicholson, the presiding officer, was there; we could get no clerk. Nicholson got the law book and went to the boys and said we might open the poll if we had a mind to. The object party objected. Billingsley said he could not write his name, and could not set up at night to count votes, and we could not get any other man to go on to open votes with. We wanted some white men.

Q. What white people did you see there in the morning?—A. I saw Ben Rogers, James Nicholson, Walter Hill, Dan Lockhart, and Dr. Lockhart.

Q. Were any of these defendants there?—A. I don't think Sligh was; Joe Bob Rout, and Gergman and Bennett, and Traylor were there.

Q. Were any of them armed?—A. I think one of them, Mr. Haire, had a six-shooter.

By the COURT:

Q. Did you see any of these defendants there that day?—A. I saw Joe Bob Rout and John Traylor; I don't know whether he had a pistol or not.

Q. Did anybody talk to you about the election that day?—A. No, sir.

Q. Who talked to you the day before?—A. Sligh and Rout told me

I had better not take part in the election or I would get into trouble. They told me this at church that evening.

Q. Did he say who would make the trouble?—A. He did not say who.

Q. Is that all he said?—A. I don't remember anything else; Joe Bob Rout, he told me I had better not do anything or I would get into trouble.

(Objected to by the defense and objection overruled.)

Q. What did Traylor say?

By the COURT:

Q. Is Traylor here?

By DEFENSE. It is difficult to say where he is. He is dead since the conspiracy.

(Objected to by the defense and the objection overruled.)

Redirect:

Q. What did he say?—A. He took me out to the fence and said that I had better leave here or I might get hurt. Moore was making a speech on the stand at that time. I told him I was doing nothing and had nothing to do with them. He was down at Chadwick's gin, and they were standing around until about 4 o'clock, and I left them for town. I met some of them going to town.

Q. Did you try to open the polls?—A. We tried to get enough men to open them.

Q. Why were the polls not opened?—A. Well, Rogers and some others were there, they were standing there from 8 o'clock till night; there were about fifty colored people there at that time and about thirty or forty whites.

Q. What ticket did the colored people vote?—A. They had a Republican ticket to vote.

Q. These people staid around there in bunches?—A. They staid there from 8 till 4.

Q. You stated something about an agreement, what was it?—A. Well, I said I did not know but what they might come to some agreement and open the polls.

Q. What did you say about Rogers?—A. Ben. Rogers was there. I think he was the county attorney at that time.

Q. Did he take any steps to open the polls?—A. I don't think he did; he said we ought to open the polls so that we could go ahead and vote; I told him I could not open them myself.

Q. Was that Rogers's polling place?—A. No, sir; it was at Brenham.

Q. Did Rout vote there?—A. No, sir; that was not the voting precinct of any of those I've named.

Cross-examined:

Q. You say that the evening before that these gentlemen spoke to you about taking stock in the election; was that the evening before the election?—A. Yes, sir.

Q. Had you any interest in the election?—A. Well, I had a good deal of influence among the people there.

Q. What is your business?—A. I was foreman there.

Q. Were you preaching?—A. No, sir.

Q. Were you speaking?—A. Yes, sir; I can speak some.

Q. Did not some of the people tell you that you were likely to prejudice your murder cases there?—A. No, sir.

Q. Were you not indicted for murder?—A. Yes, sir.

Q. Did they tell you anything about your having anything to do with the murder cases?—A. No, sir.

Q. On the election day you say Rogers was there? He used to live in that precinct?—A. Yes, sir.

Q. He was there for electioneering?—A. He did not tell me his business.

Q. Did you see C. C. Lockett there?—A. Yes, sir.

Q. Lockett was not a voter there, was he?—A. No, sir; I don't know whether he lived in Washington or Burleson County.

Q. Is his son Dan a voter?—A. I don't know; he said he would be the clerk if any one would go in with him. Some told him he did not live in the precinct. Nobody could open the polls who wanted to do so.

Q. Nicholson had the papers and books to open the polls with?—A. Yes, sir.

Q. Did he stay there until dinner time?—A. Yes, sir; he went home then to get his dinner and came back. He was talking to the people there while he was opening the polls; he said any one could open the polls who wanted to.

Q. Did he offer to serve himself?—A. I don't know anything about it.

Q. Did any one say they would not allow the election?—A. I did not hear them.

Q. Reinstein was there? He lived in Chapel Hill?—A. Yes, sir; I don't know what ticket he was going to vote.

Q. How many were there?—A. About twenty odd.

Q. They wanted to vote?—A. Yes, sir; some of them staid there to do it.

Q. Have you ever counted the voters in that precinct?—A. I went to work the next day and counted. I don't remember the number.

Q. Was there any row there?—A. I did not hear of any.

Q. Were any of the candidates there besides Lockett?—A. I don't remember. Lockett came by himself. There were some people came over from Felders in the evening.

Q. Who did you say you thought had the pistol?—A. I think W. Herring.

Q. Where does he live?—A. He lives in Chapel Hill.

Q. How did he come there, on horseback or in a buggy?—A. I don't know.

Q. Did you have any weapons?—A. No, sir.

Q. Has the indictment against you been disposed of?—A. No, sir.

Redirect:

Q. When was the indictment found against you?—A. On October 2, 1886.

Q. Were you arrested?—A. Yes, sir, and put under bond for \$600.

Q. Were you arrested again after that?—A. Yes, sir. A man came down and tried to get me put in jail. Mr. Hornsby arrested me and I was taken back there.

Q. Who brought that writ out against you?—A. They told me it was a telegram.

TESTIMONY OF J. N. SEALES.

J. N. SEALES examined:

Q. Where was your voting precinct on November 2, 1886?—A. Chadwick's gin.

Q. State now to the court and jury what occurred there that day?—A. Well, there was a great deal of whites and colored people there; some

of them asked me about the clerk, and when I saw so many whites there with pistols I drew back. I heard Baily Whesnat said to Kirkman that if the polls were opened, there would be some dead niggers there that night.

Q. Were the polls opened that day?—A. No, sir.

Q. Who did you see with the pistols?—A. I saw Kirkman and Rogers and Herring. Every one had a pistol.

Q. Were they together, or separate?—A. Sometimes together and sometimes separate. They were there the best part of the day. They went away and came back.

Q. That was on the 2d of November 1886?—A. Yes, sir.

Q. How many Republican votes were cast?—A. I don't know.

A. Were there more than Democratic?—A. A great deal more. There were lots of colored people there and they said they were Republicans.

(Exception taken by defense and noted.)

Q. When did you go to the ballot-box?—A. I went there about 9 o'clock.

Q. Who of the defendants were there?—A. There was not any much of them at that time.

Q. Who was there?—A. Whesnat, Joe Bob Rout was there.

Q. Name those who are here on trial?—A. Baily Smith's man was there.

Q. What time was Whesnat there?—A. I don't know, I had no watch. I think about 11 o'clock.

Q. How was it you got there at 9 o'clock; how did you know?—A. Well, I left home at 8:30.

Q. How long before Whisnat got there?—A. About one and a half or two hours.

Q. The extreme time then would be 11 o'clock?—A. Yes, sir.

Q. You say you saw pistols?—A. Rout, Herring, and all of the whites had pistols. I did not see any others.

Q. Did you have any?—A. I did not.

Q. What is your occupation?—A. Farming.

Q. Who was in the buggy with this man?—A. He was on horse-back.

Q. Did he get off his horse?—A. Yes, sir.

Q. How long did he stay there?—A. I could not say.

Q. Are you positive he was there at 11 o'clock?—A. I don't say positively he was there. I think that was about the time.

Q. What did he say, anything?—A. I heard him repeat to Burton that if the polls were not opened, and I told him myself that they had not been—I told him after awhile, and I heard him say that if the polls were opened there was going to be some dead niggers that day.

Q. Did you see him talking to the presiding officer?—A. I did not.

Q. Did you see him talking to any of the black people?—A. I did not see him congregate with the black people.

Q. I did not say anything about his congregating with them. Did you see him talking with them?—A. I did not.

Q. Where did Bob Gertman live?—A. I think he lived at Carlisle's house.

Q. Where did he vote, at Chadwick's?—A. No, sir; that was not his voting place.

Q. Who came there with Whisnat?—A. Whisnat, Gertman, and Rout came together.

Q. That was about 11 o'clock?—A. About 11,

Q. Did either of the other men come on horseback?—A. I can't say, positively; I guess so. I know Bob Gertman got off his horse.

Q. What time did they leave there?—A. I told you once I did not know.

Q. You don't like to repeat?—A. Yes, sir, I can repeat as often as you want me to.

Q. Did they stay two hours?—A. I think so. I went to dinner.

Q. What time did you come back?—A. I reckon about 4 or 4.30.

Q. Were they there when you came back?—A. No, sir; Whisnat was not there.

TESTIMONY OF GEORGE LEONARD.

GEORGE LEONARD, sworn and examined.

Q. Where is your voting place in Washington County?—A. In Chapel Hill, at Chadwick's gin.

Q. Did you vote on November 2, 1886?—A. No, sir.

Q. Why did you not vote?—A. The polls were not open. We could not get any one to serve to open them.

Q. State what occurred there?—A. I came there in the morning about 9 or 10 o'clock; there were a good many colored people there who would have opened in the morning, but they seemed afraid to open as none of the whites would go in.

Q. Do you know Rout?—A. Yes, sir.

Q. Do you know Traylor?—A. Yes, sir.

Q. State whether you saw any of the parties I have named there.—A. Traylor was there; I don't know whether Whisnat or Sligh was there.

Q. Who else did you see?—A. I saw Traylor.

Q. Do you know any of the defendants here?—A. I know some of them.

Q. Which of them?—A. I know Felton and Sligh.

Q. Was Traylor armed or not?—A. I don't know.

Q. Were any of them armed?—A. I don't know.

Q. How long were you there?—A. I got there about 9 or 10 and staid till after 11. I went home and staid till 2 o'clock and came back and staid till after closing of the polls.

Q. Did you come there to vote?—A. Yes, sir. I did not vote.

Q. What were you going to vote for?—A. I was going to vote the Republican ticket.

Q. What kind of election was that? What kind of ticket did you have?—A. A Republican ticket.

(Ticket handed to witness for identification. Objected to by the defense.)

By the COURT:

Q. What officers were on your ticket?—A. I don't recollect.

Q. Governor and lieutenant-governor?—A. I don't know.

Q. Do you know the ticket?—A. I know the shape of it.

Q. What shape was it?—A. The same as that.

Q. Can you read?—A. Yes, sir.

Q. Did you read the ticket that day?—A. Yes, sir.

Cross-examined:

Q. Do you live in the precinct we are talking about?—A. Yes, sir.

Q. Was there any election there on the 4th of August?—A. Not at Chadwick's gin.

Q. Why not?—A. We could get no one to open it.

TESTIMONY OF PETER O'NEILL.

PETER O'NEILL, sworn and examined.

Q. Where is your voting place?—A. Chapel Hill.

Q. Was that your precinct in 1886?—A. Yes, sir.

Q. What was going on there in 1886?—A. An election.

Q. What kind of an election?—A. General, State, and town.

(Objected to by the defense. Overruled.)

Q. Was Congress voted for?—A. Yes, sir.

Q. Go on and state what occurred there.—A. In about an hour after I got there there was a pistol shot. It might have been longer. The most of the crowd ran down where the shooting was, and after awhile they came back and reported who was shot. I did not go myself.

Q. Do you know any of the defendants here?—A. I see Baily, Whisnat, and Sligh and Joe Bob Rout.

Q. State which of the defendants were at Chapel Hill.—A. Jody Rout, Smith, Whisnat, and Sligh.

Q. You say you saw Whisnat and Sligh and others there? Did you see Whisnat there?—A. Yes, sir.

Q. Did you see Traylor and the Crawfords there?—A. I saw Traylor. I don't know the Crawfords.

Q. State what they did.—A. I don't know that any of them did anything but Sligh.

Q. What did he do?—A. I think before dinner he came and stood close to me and cursed me. I was distributing tickets. He said to Peter O'Neill if I was to get drunk he would arrest me, and he talked on till I got near him again, and then he looked at me and began pulling his mustache, and I got on my horse and went home. He said Knoxon and me was both God-damned rascals. There was a good deal of excitement there.

Q. Who raised the excitement?—A. I don't know; I gave up my tickets and left.

Q. What did Traylor do?—A. I don't know; I did not see him do anything.

Q. Did you say you saw him do anything?—A. I don't know whether he did or not.

Q. What ticket were you working for?—A. The Republican ticket.

Q. What ticket were these other people working for?—A. The People's ticket.

Q. Did these people you speak of vote at Chapel Hill?—A. Yes, sir; I think so, I don't know where all of them lived.

Cross-examination:

Q. Sligh and Traylor both lived in Chapel Hill?—A. Yes, sir.

Q. Where did you live?—A. In precinct No. 2.

Q. Where was your voting place?—A. Chapel Hill.

Q. You were running for some office?—A. Yes, sir; for constable.

Q. And Sligh was running for constable, too?—A. Yes, sir.

Q. What time did you come in the morning?—A. About 9.

Q. What time did you leave?—A. About 4.30.

Q. What time did the polls close?—A. I don't know.

Q. Six o'clock?—A. I don't know; I was not there.

Q. What time did you see Rout there?—A. I don't know.

Q. Did not he ride up and ask something about the election and ride

on?—A. I don't know; I can't tell whether it was in the evening or morning, and I only saw him once.

Q. Did McDermott live in Chapel Hill?—A. He do.

Q. Did you see him do anything?—A. I did not.

Q. Did you carry your pistol?—A. I did not.

Q. Who did carry your pistol?—A. Peter Fairchild.

Q. Where is he?—A. He is here.

Q. Where does he live?—A. At Chapel Hill.

Q. Did you lend him your pistol?—A. No sir. He went to my desk and got it without my permission.

Q. Were people working for the different candidates?—A. The most work I saw done was distributing tickets.

Q. What was the principal stir about the election; were you working for yourself or the county ticket; or what were the people working for; what was Sligh working for?—A. I suppose he was working for the People's ticket.

Q. Was anybody working for the governor?—A. Not that I remember of hearing.

Q. Any trying to get men to vote the county ticket?—A. No, sir.

Q. Who was running for Congress?—A. I don't know. If you call the name I will remember it.

Q. Was it Jones?—A. No, sir; I don't think it was.

Q. Was it Cranfield?—A. I don't remember the name now exactly. I was not paying much attention to the Congressional party at all; I did not know who was interested in that part of the election.

TESTIMONY OF PETER FAIRCHILD.

PETER FAIRCHILD, sworn and examined.

Q. Where did you vote on 2d of November, 1886?—A. At Chapel Hill.

Q. Do you know any of these defendants here?—A. Yes, sir; I know Mr. Sligh, and some of these gents was there.

Q. Who did you see there?—A. I saw Mr. Sligh and Mr. Felder and myself, and Peter Small was there.

Q. Was Joe Rout there?—A. I don't remember; I won't be positive.

Q. You say you saw Sligh?—A. Yes, sir; me and Knoxon was there talking, and Tom Robinson came up and began cursing, and John Traylor came up there and he told Tom Robinson to go on and raise hell, and he called all of us God damned Republican sons-of-bitches. Louis Warren rode up to the poll and I looked over and saw him vote, and went back, and Sligh he spoke to me and we had some words, and he says, "By God I want you and Peter to get out of here or you will get your God-damned heads split open." He began talking about passing balls then, and he and Traylor got into the buggy and went away. When Sligh came back he wanted to tackle me for a fight. He was mad and treated me as a God-damned rascal. I said, "I think you are and I won't fight, nor any other white man." He asked me to go out of town a mile and fight, and O'Neill said, "You had better go home." Sligh got in and wanted to search my saddle-bags; he searched me and asked me for my pistol. I asked him if he had a search-warrant. They grabbed me then and pulled out pistols. Small and Felder and Traylor was there, and Traylor hauled off and hit me with the pistol. It was wrapped in a towel and down under my coat. They knocked me down and then put me in the calaboose.

Q. How long were you there?—A. About an hour or an hour and a half.

Q. Were you ever bothered before that?—A. No, sir.

Q. Did he arrest you here?—A. Yes, sir. First arrest that was ever made on me.

Q. What did he tell you then?

(Objected by the defense and objection overruled.)

A. He came up and arrested me and threw his hand upon my shoulder and said, "Peter, I have a warrant for you." He snatched me around, and he told me if he got me back down there he was going to treat me as a damned dog.

Q. You said Sligh told you there would be nothing of this?—A. He told me if I had not come up this would never have happened.

By the COURT:

Q. Do you mean that if you had never come here as a witness you never would have been arrested for carrying a pistol?—A. Yes, sir.

Direct:

Q. Did he say anything else?—A. He said that it would cost me no less than \$100. He said Hayden was in for the penitentiary.

Q. Did you see Sligh when you were in the jail the last time?—A. No, sir.

Cross-examined:

Q. What was your business at that time?—A. Preaching.

Q. Whose pistol did you have that day?—A. Peter O'Neill's.

Q. Did he lend it to you?—A. No, sir.

Q. How did you get it?—A. It was in his drawer and I picked it up, as I did not know what accidents might be before me, and I wanted something to protect myself.

Q. Did you ask Peter about it?—A. No, sir.

Q. Did you ever have it before without asking for it?—A. Not a single time before this.

Q. You carried it in the saddle-bags?—A. No, sir; not at all; in my pocket.

Q. Was it loaded?—A. No, sir.

Q. What sort of a pistol was it?—A. It was a small pocket pistol; I think it was a five shooter.

Q. What did you wrap it up in a towel for?—A. To keep it from getting sweaty.

Q. Did you carry it in your hand?—A. No, sir.

Q. Did you have it out?—A. Not till Sligh took it out; that was the first time it was out.

Q. Did not you threaten to use the pistol on Carlisle before that?—

A. No, sir; I did not.

Q. Is Tom Robinson a white or a black man?—A. Of course he is a black man.

Q. How did they find you had a pistol that day?—A. I think Tom told something about it and they suspicioned it.

Q. Did you have a difference with Carlisle and threaten to blow a hole through him?—A. No, sir; there was no threat. Indian Bill and me——

Q. Never mind Indian Bill; tell us what Carlisle and you said.—A. I am getting down there so as to get straight.

Q. Did you have any quarrel with Carlisle?—A. No, sir.

Q. Did you threaten to shoot Carlisle?—A. No, sir.

Redirect:

Q. Explain about Carlisle.—A. Indian Bill was there; they would not let him vote in town, and he called on me to get some information; he pulled out his ticket, and I asked him if he would take my advice, and he said yes. I said that is the right ticket. Carlisle then said, "Don't you interfere with my business, damn you, or I'll top you."

Q. What ticket was Robinson supporting?—A. I don't know.

Recross-examined:

Q. Where did Bill live?—A. I don't know, but they would not let him vote in town.

Q. Were there two boxes in town?—A. I disremember.

Q. Were there more than one box in Chapel Hill that day?—A. I don't know.

Q. What was the dividing line?—A. I don't know.

Q. Sligh was constable of that precinct?—A. I don't know.

Q. Don't you know that Sligh was constable, or did you not know?—A. I always heard it said that he was.

TESTIMONY OF GRANVILLE KNOXON.**GRANVILLE KNOXON examined:**

Q. Where do you live?—A. In Brazoria County.

Q. How long have you lived there?—A. About eight months.

Q. Where did you live before?—A. In Washington County.

Q. Where was the voting place?—A. Chapel Hill.

Q. State what occurred at Chapel Hill on the 3d November, 1886, at the election. Do you know these defendants here, Sligh and others?—A. Yes, sir.

Q. Did you see Sligh there?—A. Yes, sir.

Q. What did he say?—A. He said he would knock me over the head with a shooter if I did not leave town.

Q. What was the matter?—A. I don't know.

Q. What were you doing?—A. I went over there to vote.

Q. What ticket?—A. The Republican ticket.

Q. Did you do anything else for the Republican ticket?—A. I distributed some few, a very few.

Q. Can you tell me why Sligh made this threat?—A. He said I was distributing tickets among the negroes and going to pay for it. He said he would bust my head open with a pistol.

Q. Did you leave the ground?—A. Yes, sir.

Q. When did you leave that county?—A. About the 20th of November.

Q. Why did you leave?—A. Because I was ordered to leave.

Q. Who ordered you to leave?—A. Dr. Bowline.

Q. Why were you ordered to leave?—A. Because I had some influence among my color. That is what he told me.

Q. Have you any property in Washington County?—A. Yes, sir.

Q. Did you sell it?—A. No, sir; I could not.

Q. Is it real estate?—A. Yes, sir.

Cross-examined:

Q. How many acres of land did you have there?—A. Fifty-two

Q. Any mortgages on it?—A. Yes, sir.

Q. As much as it is worth?—A. I hope not.

Q. Do you think it is mortgaged to all it is worth?—A. I do not.

Q. How much is the mortgage?—A. It is three or four hundred dollars, more or less.

Q. Did this man tell you any other reason for your going away than your influence among your race?—A. No, sir.

Q. Had you voted when this threat was made to knock your head off?—A. Yes, sir.

Q. It did not prevent you from voting?—A. No, sir; I had already voted.

Q. Did he try to prevent any one else from voting?—A. I don't know.

Q. What official position did you hold in the organization of the Republican party?—A. I had none.

Q. Were you not one of the executive committee?—A. Yes, sir.

Q. Did not you take Sligh's name off the ticket?—A. I did not.

Q. Did not he charge you with it?—A. I heard so.

Q. Is it not true that Sligh had been nominated at a meeting of the Republicans there?—A. Yes, sir.

Q. Was it not because you took the name off the ticket that you had the trouble?—A. He never told me so.

Redirect:

Q. Have you the use of the property in Washington County?—A. Yes, sir; part of it; part of it is rented out.

Q. Have you a family?—A. Yes, sir.

Q. That is, where you live?—A. Yes, sir.

TESTIMONY OF LOUIS PENNINGTON.

LOUIS PENNINGTON, examined.

Q. State what part you took in the election in 1886 in Washington County?—A. I was judge of the election in precinct No. 1.

Q. What was the name of it?—A. Flewellyn.

Q. Did the election go on quietly?—A. Yes, sir; during the day.

Q. What was the name of the poll?—A. Flewellyn.

Q. What happened at night?—A. At night at about 11 o'clock Kirk came in and looked over the tally-sheets. He said something about Hewitt and Charlie Herb. He then went to Andy Rogers and returned to the table, and said, "Robinson, I want to see you a minute." Robinson said, "I can't go just now, judge," and he said, "Appoint Rogers." Robinson said, "I can't do it;" but after a little he went out with him. He came back about 12 o'clock. Kirk was not with him. His men came there about 12 o'clock with handkerchiefs over their faces and large white hats and slippers on. Pope Hill was sitting in there and he went out at the door. Robinson said, "Come in." They came in, and said, "Hands up, and give up this box." These men were in the door, and I made a step towards the other door and a gun was fired. Bolton fell at my feet. I was afraid then to go out at either door, but I jumped over the man that was killed and went out.

Q. Did the three men come in abreast?—A. Yes, sir.

Q. You say Pope had on a slicker?—A. Yes, sir.

Q. What is a slicker?—A. One of these water-proof coats.

Q. What kind of a night was it; was it raining or dry?—A. It was a fine, warm night.

Q. You say you saw Kirk at about 11 o'clock?—A. Yes, sir.

Q. What were you doing?—A. We were counting.

Q. What did Kirk do when he got in?—A. He said, "Boys, how is the election getting on?" He turned the tally-sheet around and said something to Charlie Herb. He then went to the bed where Rogers was lying down and he said something to him, but I don't know what. He spoke very low. He came back and stood at the table a minute or two, and said, "Robinson, I want to see you," and he said he could not go.

Q. Was that on the night of the election?—A. Yes, sir.

Q. What was being voted for then?—A. County and State officers.

Q. Did you vote for Congress?—A. Yes, sir.

Q. Do you know any of the tickets that were voted?—A. I don't know.

Q. What shape were they?—A. The Republican tickets were diamond-shaped tickets.

Q. Is that the ticket that was voted on?—A. Yes, sir.

Q. Was that class of tickets in the box and did you count them?—A. No, sir; we were not counting them at that time, but they were in the box.

Q. What other class of ticket was in it?—A. The People's ticket.

Q. What came of these tickets?—A. I don't know.

Q. Why did not you count them?—A. We would have counted them if they had not been taken away from us.

Q. Were you counting at the time?—A. Yes, sir.

Q. Who was counting with you?—A. Robinson was presiding officer; Rogers and Tom Jones.

Q. You did not count those tickets cast? Those men came in and took them away from you?—A. Yes, sir.

Q. Dewees Bolton was one of the men who had the mask on his face?—A. Yes, sir.

Q. You said something about the counting of the tickets?—A. There was 159 tickets voted, and we counted 69.

Q. What class of tickets were they?—A. They were mixed.

Q. Were there more People's tickets or more diamond-shaped tickets?—A. More diamond-shaped tickets.

Q. Which were there most of?—A. More of the diamond-shaped tickets.

Q. How many?—A. I don't know.

Q. About how many?—A. About 30 or 35.

Q. The diamond-shaped ticket was one like that [ticket handed witness]?—A. Yes, sir.

Q. Were they straight or scratched?—A. Very few of them were scratched.

Q. Who was there, Tom Jones?—A. Yes, sir; Felder, Andy Hayes, Tom Jones, and Pope Hill. Felder is dead; Pope Hill is in jail. Alf Jones was there.

Q. Where is he?—A. He is hung.

Q. Was he hung legally or by a mob?—A. He was taken out by a mob and hung by them I reckon.

Q. How long had you been there?—A. About nine months.

Q. Did you know Hill voting?—A. No, sir.

Q. Did you know him?—A. No, sir.

Q. Was he pointed out to you?—A. No, sir. When they came to arrest me they told me he was the man that had been killed.

Q. Did you see Bolton there?—A. No, sir.

Q. Did you know any others of the defendants there?—A. No, sir.

Cross-examined:

Q. You say there were three men came in?—A. Yes, sir.

Q. Who opened the polls?—A. They opened it themselves.

Q. You say Hill came in with them?—A. No, sir; he went out when they came.

Q. What did he shoot Bolton with?—A. I don't know who shot him.

Q. What was he shot with, buck-shot?—A. I don't know.

Q. Where did they keep their guns?—A. I don't know.

Q. What were they there for?—A. I don't know.

Q. What time did they come there?—A. I don't know.

Q. Were they there when to count the box?—A. They never left there.

Q. What was the door shut for?—A. I don't know.

Q. Was it shut when Kirk came?—A. I don't recollect.

Q. Were these men there when the judge came?—A. I think so.

Q. These men staid in the house all the time?—A. Yes, sir.

Q. Was it a store house?—A. It was a room in the house.

Q. Who opened the poll for these men?—A. They opened it themselves.

Q. You say they came in three abreast?—A. Yes, sir.

Q. They had their masks on them and pistols in their hands?—A. Yes, sir.

Q. How did Pope Hill get out?—A. He went out before they came in.

Q. They had their pistols drawn on you when the shot was fired?—A. Yes, sir.

Q. What did the other men do when they heard the shot fired outside?—A. They went out. It appeared to me that there were three or four shots made.

Q. Anybody else hurt?—A. Not that I know of.

Q. Any one else shot at?—A. Not that I know of.

Q. Was not the man who was shot at in the office?—A. Yes, sir.

Q. What did you all do after that?—A. I went home.

Q. Did you see anybody else outside?—A. I saw Dick Robinson when I got out of the house.

Q. Did you see any one else?—A. No, sir.

Q. How many tickets had you counted when Kirk was there?—A. I don't recollect.

Q. How long after he left when the shooting occurred?—A. I think about 12 o'clock.

Q. Had you anything to fix the time?—A. Rogers had a watch.

Q. Did you say anything more to Kirk when he went out?—A. No, sir.

Q. Had not a good many others been there during the evening to look at the tally-sheets?—A. I saw no crowd on the outside. The men that were there came on the inside of the house. There was John Glass, Felder, and Pope Hill.

Q. Had you left the house when the shot was fired?—A. I was sitting down near the fire-place; it was inconvenient for me to get out, as I was hemmed in by the tables.

Q. Did you upset the tables?—A. No, sir.

Q. What came of the ballot-box?—A. I don't know.

Q. Did you see it next day?—A. No, sir.

Q. Did they charge you with killing any one?—A. No, sir.

Q. Were you turned loose after you had testified?—A. No, sir; I was kept there until about 5 o'clock. All the witnesses were kept there, and Jones and I were the only ones discharged.

Q. Who held the inquest?—A. Judge Burnham.

Q. Who was the jury; did you know?—A. I don't know.

Q. You gave testimony there?—Yes, sir.

Q. Did you see any one examined as a witness there, that you think was one of the masked men?—A. No, sir.

Q. Did you know Bolton?—A. No, sir.

Q. He was a stranger to you?—A. Yes, sir.

Q. Do you say you did not see any one come in with a pistol?—Yes, sir.

Q. You went on to Washington and testified before the Senate committee?—A. Yes, sir.

Q. You spoke of some of the Republican tickets being scratched?—A. Yes, sir; a few.

Q. For what officer?—A. I don't know.

Q. Was not Schutze scratched and Kirk put on in his place?—A. I think not.

Q. About how many Republican votes were in the box?—A. I stated there was about 185 or 190, about 85 or 90 in 185.

Q. The balance of 189 were People's tickets?—A. Yes, sir.

Q. About 90 or 95 were Republican tickets?—A. I meant that the Republicans had a majority of about 85 or 90.

Q. Was that the statement you made?—A. Yes, sir.

Redirect:

Q. You say you testified before the coroner that you did not see any masks or pistols?—A. Yes, sir.

Q. Why did you do so?—A. Because they had guns and six-shooters and I was afraid to do so.

Q. Who had the guns and pistols?—A. I don't know who they were.

Q. Were they white?—A. Yes, sir.

Recross-examined:

Q. Did any one speak to you about your testimony?—A. No, sir.

Q. You were just scared by the looks of the thing?—A. Yes, sir.

Q. Were all the judges of the election examined the same time you were?—A. Yes, sir.

Q. Pope Hill was not there?—A. No, sir.

Q. He was the only person who left?—A. Yes, sir.

Redirect:

Q. You started to say something about threats afterwards; what was it?—A. I did not hear any.

Q. Who was not turned loose that day?—A. Kinlow, Hayes, and Felder. They were all in the house; there were several others.

Q. Who were they?—A. I don't know.

TESTIMONY OF T. M. JONES.

T. M. JONES examined:

Q. Were you at Flewellyn on the 2d November, 1886?—A. Yes, sir.

Q. What were you doing there?—A. I was clerk of the election.

Q. State what occurred at the election?—A. At night when we were counting they attempted to take the ballot-box.

Q. Have you seen it since?—A. No, sir.

Q. What time were you counting?—A. We were counting up till about 10 or 11 o'clock. About 10.30 Kirk came into the house and spoke

to some of the officers. He was the only one who came up to that time. He went to the bed and spoke to Rogers, and came back to the table and asked how things were going there, and Kinlow said he could not tell him, but he thought it was four on the Republican side to one on the other. Philips was 19, and the other was 43. He said, "How is Graball?" and he said it was all right. He said, "Robinson, I want to see you," and Robinson said he was too busy; but they went out, and they talked for two or three minutes. Then some men came up to the back door and knocked, and Robinson said, "There comes one after his shot-gun." Robinson said, "Come in," and they came in and held up a pistol and said hands up, or hold up, one or the other, and then I ran away.

Q. Describe the men.—A. I could not; the first one had a handkerchief over his face and a low hat.

Q. What sort of a coat had he on?—A. He had a water-proof.

Q. Who were the officers there?—A. Myself and Pennington.

Q. Who were the others; were they Democrats or Republicans?—A. I suppose they were Democrats.

Q. Who was in the house at the time?—A. Myself, Pennington, Cawse, and Dick Robinson.

Q. Did you know Bolton?—A. Yes, sir.

Q. Did you see him after the shooting?—A. No, sir.

Q. Is there anything else you know in regard to this?—A. No, sir.

Q. Why did not you count the votes?—A. We did not go to the house any more after that occurred.

Q. Why not?—A. There was so much fuss we went on home.

Q. What came of the ballots?—A. I don't know.

Q. Were they found or lost?—A. I suppose they were lost.

Q. They were in the box there?—A. Yes, sir.

Q. They all disappeared?—A. Yes, sir.

Q. Do you know Shad Felder and Alf Jones were acquainted with Bolton?—A. Shad was, but I don't know whether the others were.

Q. Was Shad Felder examined at that trial?—A. I don't think so.

Cross-examined:

Q. Did you see anybody after the shooting?—A. No, sir.

Q. Did you know any of the men who came in?—A. No, sir.

Q. Did you know any of the men who did the shooting?—A. No, sir.

Q. You know Judge Kirk well?—A. Yes, sir.

Q. Was Pope Hill there with a gun?—A. Yes, sir; he had a gun.

Q. Why did you not have him arrested for carrying arms?—A. I did not know anything about it.

Q. Who was he with when you saw him?—A. He was by himself; there was no one with him.

Q. Who did you run against when you ran out the door?—A. A man who had a handkerchief around his face; when I got out the door I heard two shots fired.

Q. Which one of the men was killed?—A. I don't know; I heard both of them was killed.

Q. You knew Bolton?—A. Yes, sir.

Q. You don't know who had the handkerchief over his face?—A. No, sir.

Q. Were there more than one with handkerchiefs?—A. I don't know.

Q. You left the ballot-box and tally-sheet on the table?—A. I left the tally-sheet on the table.

Q. Do you know whether the ballot-box was taken away?—A. I don't know.

Q. When you were told to hold up, did you do so?—A. No, sir; I ran out.

Q. Did you knock the man over when you ran against him?—A. No, sir; I don't think so.

Q. What did he do when you ran against him?—A. I don't know.

Q. Was the light burning?—A. I suppose it were.

Q. All Kirk said was, that it was all right, when he saw the tally-sheet?—A. Yes, sir.

Q. But he inquired how two special candidates stood?—A. Yes, sir.

Q. Was his name scratched on the Republican ticket?—A. I don't remember.

Q. Was not Schentze the Republican candidate, and was not his name scratched?—A. Yes, sir; on some of them.

Q. Did you see Kirk's name as often as Schentze's?—A. No, sir; not that I remember.

Q. On the day of election, after the counting was over, was there any excitement about any except the county officers?—A. No, sir.

Q. Any about members for Congress?—A. No, sir; I suppose all the fuss was about the county officers.

TESTIMONY OF WILLIAM MARSHALL.

WILLIAM MARSHALL, examined:

Q. Where were you in 1886 on the day of election?—A. I was at Flewellyn.

Q. Did you see Bolton on that day?—A. Yes, sir; he was down at the voting place.

Q. What was he doing there?—A. He came down in a buggy and was walking around with the rest of the men.

Q. Was he armed?—A. He had two pistols when I saw him.

Q. Did you see the ballot-box that was raided?—A. I saw it; it was scorched on the inside as if they had tried to set it afire with the votes in it.

Q. What sort of a box was it?—A. It was a pine box, I think.

Q. Did you vote the diamond-shaped ticket?—A. Yes, sir.

Q. Where was the box?—A. When I saw it it was down by Bob

Cross-examined:

Q. You don't know whether that was the same box or not?—A. I do not.

Redirect:

Q. But you saw the same box there, did you not?—A. Yes, sir.

Recross-examined:

Q. Did you read any of the tickets?—A. I can't read.

Q. Then you don't know whether they were the same tickets?—A. They looked the same.

Redirect:

Q. They were the same as that [handing witness ticket]?—A. Yes, sir; I have about 400 at home.

TESTIMONY OF BOB INGRAM.

BOB INGRAM examined:

Q. Where did you live on the 2d November, 1886?—A. At Chapel Hill, Washington County.

Q. Where were you on the evening after the election?—A. I was at Chapel Hill.

Q. State what you saw and heard there; do you know these defendants here?—A. Yes, sir; some of them.

Q. State what occurred.—A. I went down there to vote, and I met Sligh, and he fixed me up a ticket called the People's ticket, and told me he wanted me to put that in, and asked me to put that in.

Q. Did you vote that?—A. No, sir.

Q. Who did you see there that night?—A. I saw Sligh, and Traylor with him, and more men that I don't know.

Q. How many were there with him?—A. I did not count; five or six, I think.

Q. Did you see him at night again?—A. No, sir; I was at home then; I went home to supper and came back after supper. I saw him in town then; there were a good many with him then. I did not try to count them, but there were about thirty.

Q. Did they have arms?—A. I don't know whether all of them had; I know some of them had pistols with them.

Q. What did you hear?—A. I did not notice; I did not think it was safe for me to stand around there.

Q. Did they say where they were going?—A. Some one came along and asked where they were going, and then some one said they were going to Flewellyn.

(Objected to by the defense, and objection sustained.)

Q. Was Sligh in the crowd?—A. Yes, sir.

Q. Who else?—A. I noticed Mr. Crockett and Baily Whisenant and John Traylor.

Q. You said there were about thirty?—A. Yes, sir; some were on horseback and some were on foot; they started out north of town.

Q. Was that in the way of Flewellyn?—A. I don't know.

Q. Were they riding?—A. Yes, sir.

Q. About how many were there?—A. There seemed to be thirty.

Q. Where did you first see them that night?—A. They were in the fork of the road in front of Scurry's store.

Q. You say they went north of Chapel Hill?—A. Yes, sir.

Q. That was on the night of the same day the election was held in 1886?—A. Yes, sir.

Q. Where do you live now?—A. Here in Austin.

Cross-examined:

Q. Where are you working here?—A. On the capitol.

Q. Have you never been a witness on this case before?—A. No, sir.

Q. Who first asked you about what you knew about this case?—A. That gentleman there [pointing to the district-attorney].

Q. Did he send for you?—A. Yes, sir.

Q. Who told you he wanted you?—A. I don't know; I was arrested.

Q. Who told that gentleman that you knew about this case?—A. I don't know.

Q. Was it Judge Hackworth?—A. I don't know him. I never saw him to my knowledge.

Q. Do you know Hoffman?—A. I heard him speak, but I did not know him.

Q. Who did you tell about this case, that the district attorney heard about it?—A. I don't know that I spoke to anybody about it here.

Q. Has any one ever been to you to ask you about it?—A. No, sir.

Q. Did Wilder and Heyden talk to you about it?—A. No, sir.

Q. Or John King?—A. No, sir.

Q. Do you know Hayden and Wilder?—A. No, sir.

Q. Is Wilder working on the capitol?—A. No, sir; he has a sore hand.

Q. Did you ever tell anybody here of what you knew about this case?—A. No, sir.

Q. You kept it all to yourself?—A. Yes, sir. I did not want to know anything about it. They came after me on Monday and then I had to tell.

Q. Did you know Lige Towlan was a witness here?—A. I did not.

Q. Did you talk to Peter O'Neill or any of the others about it?—A. No, sir, I did not.

Q. What is your business up there at the capitol; what work are you doing?—A. Filling a hod.

Q. How long have you been there?—A. About two weeks.

Q. Where were you working before then?—A. With Judge Rector.

Q. Did you ever speak to him about this case?—A. No, sir.

Q. Who were you staying with at the time you voted at the election?—A. I was with Mrs. Tarrant, at Chapel Hill.

Q. What time of day was it when you voted?—A. I think about 11 o'clock.

Q. How long did you stay about the voting place that day?—A. Till in the evening, late.

Q. What time did Sligh offer you the ticket?—A. About fifteen minutes after I got there.

Q. He was running for constable?—A. I don't know; I am not sure.

Q. You went back to Tarrant's after you voted?—A. Yes, sir.

Q. Did you come down again?—A. Yes, sir; after 9 o'clock.

Q. Did any one come with you?—A. No, sir.

Q. Where did you go?—A. To Mr. Swearingen.

Q. How far from the polls?—A. Just off the main street.

Q. How long did you stay there?—A. Till about 11 o'clock.

Q. Then you came up town?—A. Yes, sir.

Q. And then you saw the crowd?—A. Yes, sir.

Q. How far was the place you saw the crowd from where the votes were being counted?—A. It was up a street south from where they were counting the votes. It was not very far, but I don't know how far.

Q. Were you talking with any one?—A. There was no one to talk to; I was just looking at the crowd. Crowd was in the road between me and the box—some were on horseback and some afoot.

Q. Do the roads cross there?—A. Yes, sir; the roads cross right there.

Q. Were there any people walking about there?—A. I did not notice that.

Q. How long were you there?—A. About ten or fifteen minutes.

Q. How far were they from you?—A. Some of them were about as far as from here to the wall there.

Q. Who was on foot and who on horseback?—A. I could not recognize them.

Q. Was Sligh afoot?—A. I saw him step off Scurry's gallery. Bailly

Smith was on horseback. I stood there listening to them talking. I don't know whether they saw me or not.

Q. They were talking of leaving?—A. Yes, sir. I did not notice what they were saying.

Q. They were not talking as loud as I am now?—A. I could not hear what they said.

Q. Did you creep up closer to hear?—A. No, sir.

Q. How came you to hear what you said you did?—A. As I passed by they talked louder; they said they were going to Flewellyn.

Q. Who asked them?—A. The man who asked them rode on and said nothing more; I did not stay there longer. I went down to Swearengen's house and left them on the street.

Q. How far was Swearengen's house from where the men were standing?—A. I don't know exactly.

Q. You went down to Swearengen's house and they were still standing in the road?—A. Yes, sir.

Q. Is not Swearengen's house back of Buckingham's store?—A. No, sir; it is on the side of the street.

Q. Is it in the alley?—A. No, sir.

Q. Is it on the right or left side going north?—A. It is on the west side.

Q. Does the road that goes north run by Swearengen's house?—A. No, sir.

Q. How far does it run from there?—A. I don't know.

Q. About how far?—A. I don't know.

Q. Is Reinstein's in front of Swearengen's?—A. No, sir.

Q. How long did you say you staid at Swearengen's?—A. Till 11 o'clock.

Q. Did you see these men or any men there?—A. I saw them come up.

Q. Who was with you on the gallery?—A. Swearengen, and the woman who lives with him also. I was not watching the men; I was just sitting there and talking. I could not recognize the men from where I was.

Q. That those that were afoot go on to the polling place?—A. I think so; I did not see them go there, but there was no more there after they went; all the crowd went away. I did not see any one go on foot.

Q. Did you say that Traylor and Sligh and Whisenant were in that crowd that rode off?—A. They were there when I passed by; I could not tell whether they were in the crowd or not.

Q. But you turned round and looked at them after you passed them?—A. No, sir.

TESTIMONY OF GIBSON TOLAN.

GIBSON TOLAN, examined:

Q. Where were you living in 1886?—A. At Chapel Hill.

Q. Did you vote that day?—A. Yes, sir; I did.

Q. Do you know Mr. Sligh?—A. Yes, sir.

Q. Do you know any of these defendants here?—A. Yes, sir; I know Sligh and Rout and John Crawford.

Q. Where were you on the night following that day?—A. I was at Mr. Winter's.

Q. Did you go home that night?—A. I staid out there.

Q. State what you saw that night?—A. I saw Sligh, Joda Rout, Whisenant, and Joe Toland.

Q. Did you see John Traylor?—A. Not that I know of.

Q. Where did you see him?—A. I saw him at Crawford's and Winter's.

Q. How far is that from Chapel Hill?—A. About 3 miles.

Q. What time of night?—A. About two hours after dark.

Q. About how many were there?—A. About fifteen.

Q. Were they horseback?—A. A-horseback.

Q. What direction were they going in?—A. They were going towards the bottom and coming from town towards the east and towards Chapel Hill.

Q. What road was that?—A. The Chapel Hill road and through Joe Tolen's bottom.

Q. Did any of them speak to you?—A. Sligh asked if that was the road through Tolen's bottom?

Q. Anything else?—A. No, sir.

Q. That was on the night of the election?—A. Yes, sir.

Q. What direction were they going in?—A. They were going toward Joe Tolen's bottom; these defendants were in the crowd.

By the COURT:

Q. Is that in the direction of any of the places you have described? Is it in the direction of Graball or Flewellyn?—A. Yes, sir.

Cross-examined:

Q. Where were you living?—A. I was living out at Mr. Chapel's place.

Q. What were you doing at Winter's place that night?—A. I had been out to see Tony Watts.

Q. Where does Tony Watts live?—A. At Crawford's.

Q. What time did you get there?—A. I don't know; before night.

Q. How long did you stay there?—A. Till after dark.

Q. Where did you go then?—A. I came back home.

Q. Where was it you saw these men?—A. About Winter's and Crawford's, in the road.

Q. How far from the Tolen place was that?—A. About 4 miles.

Q. Is that the road they travel from Tolen's to Chapel Hill?—A. Yes, sir.

Q. Were you afoot?—A. Yes, sir.

Q. You say they were in the road?—A. Yes, sir; Sligh hollered to me, and asked me if that was the straight road.

Q. Did he stop?—A. No, sir; he just asked me and went on.

Q. In the crowd, who was there besides Sligh?—A. There was Rout and Tolen and Whisenant.

Q. Did you see Crawford?—A. I did not know it if I did.

Q. Were they disguised?—A. I did not notice.

Q. Was not that right in the road Tolen had to travel to his own house?—A. Yes, sir.

Q. Did not you think Tolen knew the road to his own house?—A. He did not ask me; Sligh asked me.

Q. Did you not think it strange that they should ask you such a question?—A. No, sir; I was not thinking about it.

Q. That was about what time of night?—A. About two hours after dark.

Q. What time does dark start in at that time?—A. I don't know.

Q. What time did you get home?—A. I don't know exactly.

Q. Was it about 8 o'clock you met these gentlemen?—A. I don't know.

Q. You did not see them any more?—A. No, sir.

Q. Who did you first tell about meeting them?—A. I did not tell anyone.

Q. You never did tell anyone?—A. Yes, sir; I am telling you now.

Q. Did you ever tell anyone before you got here?—A. I did not.

Q. Who did you first tell about it?—A. I don't know.

Q. When were you summoned to this court?—A. I believe in February.

Q. Had you ever talked with Hackworth or Scheutze?—A. No, sir; I don't think I did. I did not know Hackworth until lately.

Q. You knew Hackworth to see him?—A. No, sir.

Q. Did you know Hoffman?—A. No, sir.

Q. Did you ever go to the meetings down there?—A. Yes, sir; sometimes. I did not fool round big crowds.

Q. I understood you to say you had been to see Tony Watts?—A. Yes, sir.

Q. Where were you going when you left?—A. I was going home.

Q. Whose place were you on then?—A. Mr. Chapel's.

Q. Was that north or south of Tony Watts's?—A. It was north.

Q. It was between where you were and Flewellyn?—A. It was on my right.

Q. Is Watts's house on the main road?—A. No; it is off to the side; I had to go out of that road to get to Watts's; I had to go north.

Q. Then you were going north when you met the men?—A. No, sir; I had not got to the turn.

Q. You were in the main road?—A. Yes, sir; I was going south.

Q. Where did you turn to?—A. After I left I turned and went north.

Q. Then you got in the road and went south, and when you left you turned and went north again?—A. That was my way to go.

Q. Where did you go then, when you turned north?—A. I did not turn north; I went through Hynes's field.

Q. How far was it from where you turned to Hynes's field?—A. About a mile.

Q. Was that the way for you to go home?—A. I could have went the other way, but I wanted to go through Hynes's place.

Q. Was that out of your way?—A. No, sir.

TESTIMONY OF LIGE FLEWELLYN.

LIGE FLEWELLYN, examined:

Q. Where did you live in November, 1886?—A. I lived on the Smith place, about 3½ miles from Chapel Hill.

Q. Did you vote at that election?—A. No, sir.

Q. Why not?—A. I just did not want to go to town to vote. The darkies all said the time was so critical that I could not go to town to vote.

Q. Where were you that night?—A. I was at Tolen's place picking cotton.

Q. Who did you see there?—A. I saw Sligh.

Q. Where was he?—A. He rode up to the yard and asked me to show him the road. He said he wanted to go to Navasota. I told him I did not know, but there was others there that did know.

Q. Have you met Sligh since then, and did he make any threats to you?—A. No, sir; he never did.

Q. Where was that place, Joe Tolen's?—A. Yes, sir.

Q. What direction from Chapel Hill?—A. East or northeast about 7 miles.

Q. How far from the main road?—A. I don't know about how far.

Q. Do you know how far it is from the road from Flewellyn to Chapel Hill?—A. No, sir.

Q. That was on the night of the election?—A. Yes, sir.

Cross-examined:

Q. What is your name?—A. Lige Flewellyn.

Q. Where do you live?—A. At Tolen's place.

Q. What was you doing the three weeks you were here?—A. Attending court.

Q. Were you attending public meetings?—A. No, sir.

Q. But you attended some meetings?—A. No, sir.

Q. Did not the organizations have some meetings?—A. I don't think so; I don't know nothing about it.

Q. Did not you know that they met in a certain room every night?—A. I knew there was a big crowd down at the polling place every night, if you call that a meeting.

Q. Did you see them?—A. I don't know nothing about it.

Q. Who was the secretary of the meetings?—A. I don't know. I don't know what you are talking about.

Q. Did not they meet every night and drill the witnesses as to what they should say?—A. I don't know nothing about it.

Q. Do you know Ben Rogers?—A. Yes, sir.

Q. Did not you threaten that you would tell Ben Rogers about the drilling of the witnesses?—A. No, sir; I did not. I don't know nothing about court business.

Q. Do you know where you are now?—A. Yes, sir.

Q. Do you know Tolen?—A. Yes, sir.

Q. Didn't you tell him this morning all about this?—A. No, sir; I did not.

Q. Didn't they have meetings of their witnesses, and did not you tell them if they did not quit you would tell Ben Rogers?—A. No, sir; I did not.

Q. Did you not tell Tolen that last spring?—A. I did not tell him that; I don't know nothing about any meetings, or what you have me here for.

Q. Did you tell Tolen that if Mrs. Crockett was called you'd give the whole thing away?—A. I could not swear to that. I don't know whether I told you right or not. I never told Tolen anything about it.

Q. Did you tell Tolen anything about meetings or drillings of the witnesses?—A. No, sir; they never had any drillings.

Q. That you know of?—A. No, sir.

Q. I don't mean military drillings.—A. I don't know one drilling from the other. Tolen asked me what occurred in the grand-jury room and I told him I was not allowed to tell what was said in the grand-jury room.

Q. Which one of the crowd that asked you is here?—A. Mr. Sligh.

Q. Do you know Sligh well?—A. Yes, sir.

Q. Had he not been there for years?—A. I don't know, sir.

Q. Had you known him two or three years?—A. Yes, sir.

Q. Did not Tolen know the road?—A. I suppose so.

Q. Did not you know they knew all the roads there?—A. Yes, sir; I think so.

TESTIMONY OF ALIGA TOLEN.

ALIGA TOLEN, examined:

Q. Where do you live?—A. In Washington County.

Q. Did you live there on November last?—A. Yes, sir.

Q. Did you live there when the election was going on?—A. Yes, sir.

Q. What place did you live on?—A. At Joe Tolen's.

Q. How far from Chapel Hill?—A. About 7 miles east.

Q. Is it on the road from Chapel Hill to Flewellyn?—A. Yes, sir; it is on the road from there to the bottom. It is a wagon road and the only perfect road.

Q. What did you see that night?—A. Sligh came and asked me the road to Flewellyn, and he said he would give me a dollar and a half to tell him. I asked him what he was going to Flewellyn for and he said he was not particular about going to Flewellyn. He said, "I want to go to the Graball road and get the train." I got scared and said I would not go. He said, "If you go you get a dollar; if you don't go you lose a dollar and your life, too," so I went. There was Joe Tolen, Joda Rout, Sligh, John Crawford, and Will Crawford there. I don't know the others.

Q. Were they armed?—A. Yes, sir; they had pistols on their saddles.

Q. That was the night after the election?—A. Yes, sir.

Q. What time of night?—A. I was going to supper.

Q. What time did you leave there?—A. About an hour after.

Q. They went on the nearest road to Graball?—A. Yes, sir; it goes through the bottom.

Q. Is that the nearest road from Chapel Hill to Graball?—A. Yes, sir.

Q. You say Sligh came up to the house and wanted some one to go with him to show him the way?—A. Yes, sir.

Q. Was he ahead of the crowd?—A. Yes, sir; he rode behind me and the crowd rode behind him.

Q. Did you see him again?—A. Yes, I saw him on Saturday.

Q. Did you talk to him?—A. I said to him, I heard he was going to kill me; he said if I did not shut my mouth he would kill me.

Q. Did you have any conversation with Joda Rout or any of the others?—A. No, sir; only Whisenant. He told me if I kept my mouth shut I would get a lot of hush money.

Q. How far was that from Graball?—A. About 4½ miles.

Cross-examined:

Q. Whose place was that where the man asked you to show the road?—A. Joe Tolen's.

Q. How old is Joe Tolen?—A. About twenty-two.

Q. Is he an idiot or a man of sense?—A. A man of sense, I reckon.

Q. How long since he first went there?—A. Several years; he is the manager of that place. He was in the crowd, and he stopped at the pasture gate.

Q. Where were the Crawford boys?—A. They were there.

Q. How long have you known them?—A. Since I was a boy.

Q. Where did they live, on the adjoining place?—A. No, sir; about 6 miles away.

Q. Don't you know that these Crawford boys had worked at the Tolen place a few years before?—A. Yes, sir.

Q. Three of the crowd had been raised there in that neighborhood?—
A. I don't know, Sligh came there last year, I think.

Q. Were not the Crawford boys agents for Mrs. Crawford?—A. They have been.

Q. Is there a plain road right through the plantation where you saw them?—A. Part of it was.

Q. Have not you hauled cotton through for Tolen?—A. Yes, sir.

Q. Don't you know Tolen and the Crawfords knew the road better than you did?—A. I don't know.

Q. How don't you know?—A. I am giving you straight goods.

Redirect:

Q. You say that you had to lead them through the bottom?—A. Yes, sir.

Recross-examined:

Q. Why did not you go the road through the farm?—A. I went that way; I told you that at first.

THIRD DAY.

TESTIMONY OF PAUL FRICKER.

PAUL FRICKER, examined:

Q. Where were you on the day of the election in 1886?—A. At Gay Hill.

Q. At what hill?—A. At Gay Hill.

Q. Were you there all day?—A. Yes, sir; I was there until 4 o'clock.

Q. Where were you after that?—A. I went back to Brenham.

Q. Do you know Judge Kirk?—A. Yes, sir.

Q. Did you see him that day?—A. Yes, sir; I saw him at Brenham.

Q. Where did you see him?—A. At Lockhart's stable. He was standing by a horse just going to get on.

Q. How did you come to see him there?—A. I came on by the stable.

Q. Which way was he going?—A. He was taking the street running east.

Q. Did he ride off?—A. Yes, sir.

Q. Where did you see him?—A. I just saw him as I passed on the street as I went down.

Q. What direction did he take?—A. Toward Chapel Hill.

Q. Was no one with you?—A. No, sir.

Q. What sort of a horse was he riding?—A. A gray horse.

Q. What was his condition?—A. I could not say anything about that, I just passed him. He was just in the act of getting on the horse when I passed.

Q. Did you hear Kirk's testimony in Washington?—A. No, sir.

Q. If the boxes at Flewellyn, Lot's store, Graball, and Chadwick's gin had been counted would there have been a majority or not?

(Objected to by the defense.)

Q. Do you know the strength of the vote at Flewellyn?—A. The Republican strength?

Q. Yes.—A. I don't know exactly.

Q. Did you see the returns as they were published?—A. Yes, sir.

The DEFENSE. Then they are in existence and they are bound to produce them.

The COURT. Yes, but the question is unnecessary

Q. Do these returns show the full vote?—A. It shows part of the vote; some boxes were not found.

Q. Do you know how many votes were thrown out at Chapel Hill?—

A. One hundred and eighty-eight.

Q. What kind of votes were they?—A. Republican votes.

By DEFENSE :

Q. How do you know they were thrown out?—A. I saw it in the Galveston News.

Redirect :

Q. Were any candidates beaten in that election?—A. Yes, sir; for sheriff. I was candidate for sheriff and was beaten by 580 votes.

Q. How many was Kirk beaten?—A. Five hundred and eighty-two.

Q. Did this include the Chapel Hill box?—A. That was not counted. (Objected to by defense.)

Q. Now in regard to your election, if the votes at Lot's box had been counted could your election have taken place?—A. Yes, sir.

(Objected to by defense.)

Q. If there was 123, the Republican majority at Lot's box, would you have been elected?—A. Yes, sir.

Q. If Graball had given 126 majority and Lot's box 123 majority and Flewellyn had given 195 majority, would you have been elected?

(Objected to by the defense and objection sustained.)

Cross-examined :

Q. What time did you see Kirk at Brenham on the day of the election?—A. Five thirty.

Q. It was a very unusual circumstance to see a young man get on his horse and ride off?—A. I don't know.

Q. Was the Gay Hill precinct your voting place?—A. No, sir; the fourth ward in Brenham.

TESTIMONY OF E. C. GUY.

E. C. GUY, examined :

Q. Where did you live on the 2d November, 1886?—A. Washington County, at Brenham.

Q. Were you there during election?—A. Yes, sir.

Q. Do you know Judge Kirk?—A. Yes, sir [pointing to him].

Q. Was he there on the day of election?—A. Yes, sir.

Q. Where did you see him?—A. I saw him at several places.

Q. Did you see him on 2d November?—A. Yes, sir.

Q. What was he doing?—A. Do you mean at any certain time of day?

Q. Yes.—A. Well, he was working around polls; he was trying to get men to vote his way.

Q. Did you hear him say anything about the election?—A. Yes, sir; I heard a good many things about the election.

Q. Did you hear the conversation between Kirk and others?—A. I heard the conversation between Kirk and Hunt and, I think, Lem Blinn.

Q. State what it was.—A. I think it was in the afternoon myself and Hackworth and Greenhill were going away from the polling place and I heard L. G. Hunt and Lem Blake say to Kirk, "We are beaten." Kirk said, "Damn them, if we are they shan't have it."

Q. What did Judge Kirk do then?—A. They staid there, and then White and Greenhill and Hackworth divided.

Q. What came of Judge Kirk?—A. I don't know.

Q. What was he doing later when you saw him?—A. When I saw him Greenhill and I was sitting on Sandy street. I saw Judge Kirk and Boyd coming down the street, riding very rapidly, about sundown. I called Greenhill's attention——

(Objected to by defense and sustained.)

Q. Which Boyd was with Kirk?—A. C. C. Boyd.

Q. What direction did they come from?—A. East from Brenham, in the direction of Chapel Hill.

Q. You say it was C. C. Boyd?—A. I think so.

Q. When did you see him next?—A. That night some time after 4 o'clock and next morning at 4 o'clock. I won't swear it was 4, but it was after midnight.

Q. What brought you there at that time?—A. I was very anxious to hear how the election went in Brenham. I went up to town and took a seat on the same block as the court-house. I saw Kirk and another man come riding in. I don't know who the other man was. That was the morning after the night of the election.

Cross-examined :

Q. Where was this seat you sat down in?—A. Right on the block by the Abbott building.

Q. You could see every one who came from several directions?—A. Yes, sir.

Q. You could see any one who came from Sandy Hill or the depot?—A. Yes, sir.

Q. Was it a bright night, a moonlight night?—A. No, sir; it was a starlight night.

Q. Did Kirk ride by you?—A. Yes, sir; he came up Sandy street.

Q. Where did he go?—A. I guess he went down to Lockhart's stable, where he got the horse.

Q. He had been in the habit of riding that horse?—A. Yes, sir. During the two months' canvass I hardly saw any one else ride the horse; it was a well-known horse.

Q. Did you recognize the judge by the horse or by himself?—A. By himself.

Q. Did you recognize the other man?—A. No, sir.

Q. Had the ballots been counted at the court-house?—A. No, sir.

Q. Was any body else there?—A. Watson went down there and we left the court-house together. We got into some very close arguments about the election and he went on to Sandy street and I was by myself.

Q. Were you a candidate at that election?—A. No, sir.

Q. What interest did you take in it that made you get up before 4 o'clock?—A. I was taking such an interest in it, because Kirk and I opened up the canvass, and I was working for the Republican ticket.

Q. Was that what made you get up at night about that ticket?—A. Yes, sir.

Q. Now tell us exactly where it was that you and Greenhill and Hackworth saw Lem Blake and the others talking.—A. That would be a very hard thing for me to locate. It was some place between the Abbott building and the court-house.

Q. Were they standing still?—A. Yes, sir.

Q. Were they talking loud enough for you to hear?—A. Yes, sir.

Q. Did Hackworth and Greenhill hear it?—A. Yes, sir.

Q. Did you talk it over?—A. Yes, sir.

Q. Have you met the judge since you have been in Austin?—A. Yes, sir.

Q. Did you speak to him about it?—A. No, sir.

Q. Judge Hackworth, I mean?—A. Yes, sir; he asked me what I knew about it, and I said I could not locate the place.

Q. Lem Blake and Lem Hunt and Kirk were there?—A. Yes, sir.

Q. Did you hear anything more?—A. No, sir.

Q. How far were you from them?—A. We were just on the sidewalk.

Q. What time of day was it?—A. It was some time in the afternoon, it must have been after 6 o'clock, because I think they had closed the polls. I am not certain, but I certainly think they were, because Greenhill and I parted from Hackworth and Hackworth went on towards the fence, which they then knew as Schutze's.

Q. The polls closed at 6 o'clock, that was the legal hour?—A. I think so.

Q. Did you speak to Kirk?—A. No, sir; we would not have much to say.

Q. You were on the sidewalk?—A. Yes, sir.

Q. Are the sidewalks narrow?—A. There was room to pass.

Q. How long after this conversation before you saw Kirk in Brenham?—A. I don't know; it might have been an hour or an hour and ten minutes, or an hour and thirty minutes.

Q. Did he leave afterward, directly?—A. No, sir; I did not follow him at all; I think it was a little before sunset, or it might have been a little after. I called Greenhill's attention to it and told him that they were going to interfere with the boxes.

TESTIMONY OF R. N. HOOD.

R. N. HOOD, examined:

Q. Where do you reside?—A. At Brenham.

Q. Were you at the election in 1886?—A. Yes, sir.

Q. Do you know Judge Kirk?—A. Yes, sir.

Q. Did you see him that day?—A. Yes, sir.

Q. What time of day was that?—A. It was after 6 o'clock, I think. I saw him on Sandy street, on horseback. He was going east on the Washington Road to Chapel Hill.

Q. Was any one with him?—A. C. C. Boyd.

Q. That was on the 2d November, 1886?—A. Yes, sir.

Q. What sort of a horse was he riding?—A. He was riding a gray horse.

No cross-examination.

TESTIMONY OF SANDY ROAN,

SANDY ROAN, examined:

Q. What is your name?—A. Sandy Roan.

Q. Where did you live in 1886, at the time of the election?—A. In Washington County.

Q. Where did you vote in 1886 at the election?—A. At Graball,

Q. Do you know Judge Kirk?—A. Yes, sir.

Q. Do you remember seeing him on the day of election?—A. No, sir.

Q. Do you remember seeing him at Graball?—A. Yes, sir; but not on the day of election. I saw him on the night before the election.

Q. What night was it?—A. The night before the election.

Q. Where did you see Kirk?—A. At Graball, at a public meeting.

Q. The election you speak of was on the 2d November, 1886?—A. Yes, sir.

No cross-examination.

TESTIMONY OF B. S. PILLOW.

B. S. PILLOW, examined:

Q. What is your name?—A. B. S. Pillow.

Q. You are the manager of the Western Union Telegraph Company?—

A. Yes, sir.

Q. You were subpœnaed to bring the telegram here if you got it?—

A. I don't remember whether I was subpœnaed or not.

Q. Were you put under a recognizance?—A. Yes, sir.

Q. Have you the telegram?—A. Well, I would like to have the telegram described to me before I could swear to it.

Q. The telegram was described to you?—A. I don't know.

Q. You say you don't know you were subpœnaed?—A. I don't know whether I was subpœnaed or not; such a telegram may be on my file. Kirk sent the telegram.

Q. That is the one I want.—A. (To the court.) Am I compelled to answer that?

The COURT. Yes, sir.

DISTRICT ATTORNEY. Was that the telegram sent to you?

The WITNESS (to the court). I wish to say that a telegram is a privileged communication, and I don't want to produce it.

The COURT. Produce the telegram.

The WITNESS. Is that a direct order of the court?

The COURT. Produce the telegram.

The WITNESS. Will you give me an order on the clerk of the court to produce the telegram?

The COURT. I give it to you now.

(Telegram produced.)

Q. Where did you get this telegram from, Mr. Pillow?—A. It was sent to me through the mail.

Q. Read it to the jury.

(Read as follows:)

To D. D. Bolton, *Courtney*:

Things here look doubtful, do your work.

L. KIRK.

It is dated November 2, 1886; 12 m., I think, is the hour.

Q. What does that indicate?—A. That it was filed there at 12 in the day.

Q. Did you see that file mark put on?—A. No, sir.

Q. You don't know whether it was put on afterwards or not?—A. No, sir.

Crossed-examined:

Q. The mark was on it when you received it?—A. Yes, sir.

Q. That is the indication the time the telegram was filed?—A. Yes, sir.

Q. Was there any indication that the telegram was irregular?—A. No, sir; I saw nothing irregular about it.

Q. Has the telegram been out of your possession since you got it?—A. No, sir.

Q. It came from New York?—A. Yes, sir.

By a JURYMAN:

Q. Where was the telegram sent from?—A. I don't know.

TESTIMONY OF WYATT SMITH.

WYATT SMITH, examined:

Q. What is your name?—A. Wyatt Smith.

Q. Where were you on the day of election on November 2, 1886?—A. At Graball.

Q. Were you at any other place?—A. No, sir.

Q. Did you see D. D. Bolton there?—A. Yes, sir.

Q. The gentleman that ran for commissioner?—A. Yes, sir.

Q. Did you see him get his telegram that day?—A. Yes, sir.

Q. Did you hear him read it?—A. I saw him start to read it. I asked him how things were going down at Brenham, and he said things looked gloomy. He shut up the telegram then, but no doubt he read it again.

Q. Who read it then?—A. He read it.

Q. Where did he take it to?—A. He took it over to Thompson's place and read it on the gallery.

Q. How did it read then, and when did you hear it read?—A. I heard him say that "things look mighty gloomy," and the telegram said do your work.

Q. Was Dewees Bolton there?—A. Yes, sir, till about 10 or 12.

Q. Was he there when the telegram came?—A. Yes, sir.

Q. Was he the son of D. D. Bolton?—A. Yes, sir.

Q. What kind of a building was it that the election was held in?—A. In Boldridge's store, upstairs.

Q. Where did they count the votes?—A. At Dr. Thompson's office.

Q. Was that the same place where the votes were cast?—A. No, sir; about 25 or 30 steps from the voting place.

Q. Who ordered it done there?—A. I don't know.

Q. Is this the same Thompson that heard the telegram read?—A. Yes, sir.

Q. Where was it easiest to get the box, upstairs or down?—A. Down-stairs.

Cross-examined:

Q. There was no concealment about the telegram, was there?—A. He did conceal it at first; he did not read it to the public. He concealed it when I asked him about it. I heard him telling Dr. Thompson about it.

Q. Did not he speak of it when he first received it?—A. I heard him say first —

(Objected to by defense.)

Q. Who was around there when he read it first?—A. Two or three.

Q. How did he speak of it?—A. I did not pay much attention to that; I was standing waiting to hear. I asked him how things were going on at Brenham, and he said things were gloomy.

Q. Who else was present?—A. I think two or three.

Q. What did he say?—A. He said things looked gloomy.

Q. How did you come to ask him about the telegram?—A. I was interested in the election.

Q. Did not Bolton make this remark: "It is too late now to do anything"?—A. If he made that remark I did not hear it.

Q. What time was that?—A. Between 5 and 6 in the evening.

Q. Did he go home after receiving it?—A. No, sir; I left him behind me. I staid about half an hour or an hour and I left Bolton there to come. I don't know what time he left after I did.

TESTIMONY OF ADAM NEWELL (Colored).

ADAM NEWELL (colored), examined:

Q. Where did you live in November, 1886?—A. I don't know nothing about the years.

Q. Where did you live last year?—A. In Washington County.

Q. Do you remember the last election?—A. Yes, sir; I know when it was.

Q. Do you know any of these defendants here at the bar?—A. Yes, sir.

Q. Which one do you know?—A. Sligh. I don't know anybody else that I know of.

Q. Do you know Tolen?—A. I don't know.

Q. Do you know Rout?—A. Yes, sir; I know Joda Rout.

Q. Is he here?—A. Yes, sir; yonder.

Q. State what you know about him, if anything, on the day of the election, before or after?—A. I was not there the day of election.

Q. Did he talk to you about the election?—A. Yes, sir; that was my reason for not being there. I met him in Chapel Hill, and he says, "Adam," says he, "we have been after you a long time to vote our way and you would not do it and the election comes off next week and you have to vote the way I say or I will kill you." I said you have been a friend to me and you tell me the way to vote and I will do it. He said he wanted me to vote for Rogers and the others, and I had heard he said he wanted to kill, and I wanted to get time to get away, so I promised to vote as he said. I came up here and I went back Tuesday night and hauled in corn for his brother. Rout came along and he asked me who I had voted for. I said I was mighty sorry but I could not get to vote at all. I let on to him I could not get to vote. I said my son wrote to me from Richmond that he was very sick and that I could not come back in time. He said, by God that is all that saved you, but we beat the election.

Cross-examined:

Q. Who was there when he told you that?—A. My boy was there.

Q. Who was with you when he told you about the election?—A. About he'd kill me?

Q. Yes.—A. No one was with me.

Q. Who told you he was going to kill you?—A. A white man named Mills.

Q. You got scared then?—A. Yes, sir; I asked him what he wanted to kill me for, and he said I was a damned fool.

Q. Did you dream about it, or did the spirits tell you about it?—A. No, sir.

Q. You said you did?—A. I never seen no spirit, nor I would not know it if I saw it.

Q. Where are you living now?—A. Here in Austin.

Q. Where are you working?—A. I have been working on the capitol.

Q. Who do you work with on the capitol?—A. First one and then the other box; I work all around.

Q. Does Hayden work there, too?—A. Yes, sir.

Q. Tolen?—A. I don't think so.

Q. Did you ever talk with Hayden about this?—A. No, sir.

Q. Who did you ever talk with about this business?—A. I told my wife about it; I don't remember telling any one else.

Q. How long have you known Rout?—A. For several years. I lived with his brother-in-law.

Q. Did you ever have any trouble with him?—A. No, sir.

EVIDENCE OF HOFFMAN.

The witness, Hoffman, being absent, the evidence required from him was agreed to be taken from the statement made by Judge Kirk before the committee at Washington. The evidence was read as follows:

Q. Didn't you telegraph for Mr. Bolton on election day that "things looked gloomy" or look bad, "do your work?"—A. I think part of the contents of the telegram was that things were mixed, that things were doubtful. That is my best recollection of the telegram.

Q. What else?—A. That is all I remember, and I think that was all there was in the telegram.

Q. Did you or not send a telegram to Mr. Bolton saying things looked gloomy, or looked bad, or looked mixed (I don't care which), do your work?—A. I do not think I had any such expression as do your work in the telegram; I just stated that things looked doubtful or mixed.

Q. May you have sent such a telegram?—A. I do not think I did.

Q. Is it a mere matter of opinion with you?—A. I am satisfied I did not.

Q. Are you willing to swear that you did not?—A. I do not undertake to say exactly what the contents of the telegram were.

Q. I want you to swear it, if you can, whether you sent a telegram to Mr. Bolton on that day which was substantially like this: "Things look gloomy," or "things look bad," or "things look mixed, do your work?"—A. I don't recollect sending any such telegram, and to the best of my recollection I never did send any such telegram.

Q. Do you recollect that you did not send any such telegram?—A. I do not think I did.

Q. Will you swear that you did not?—A. I gave you my best recollection as to the contents of the telegram.

Q. Will you swear that you did not send such a telegram?—A. I will not swear to anything on the subject, except as to what my best recollection of the telegram was.

This closed the case for the prosecution and witnesses for the defense were called.

TESTIMONY OF J. M. NICHOLSON.

J. M. NICHOLSON, examined:

Q. Where did you live last election time?—A. Near Chapel Hill; it was Chadwick's gin house.

Q. Is that a new precinct?—A. Yes, sir; there never was an election there before.

Q. Did you go up there on election day?—A. I attended to having the box opened. I was appointed manager of the election that day, but I informed Judge Kirk that I could not take it, and he asked me to go with the papers and select some competent person. I went there at 8 o'clock and had a place and desk provided. I notified them that they could proceed to organize; that I had the papers, etc. I had seen the white men in that precinct and they had refused to serve. I knew if the poll was opened it would have to be done by the freedmen. They brought me one man who had consented to serve and I said they would have to get more. They failed to get others. There are only four hundred and five in the precinct that can write and I don't think there is one of them that could make out the tally-sheet or make the returns.

Q. Did you remain there?—A. I remained there until 2 o'clock. I went away and came back. Several efforts were made by the freedmen to open the polls. When I came back in the afternoon it seemed to be the general opinion that the polls would not be opened.

Q. Was there any difficulty made by anybody about the opening of the polls?—A. No, sir.

Q. Do you know exactly how many voters there are in the precinct?—A. Yes, sir; I have been there fifteen years, and I worked pretty near all the freedmen there, and I know them well. There was last year sixty freedmen. I don't know how many of them were of age. I have consulted the owners of the farms and I am certain that I am correct.

Q. How many white people were there?—A. Forty-five.

Q. Were any of them not there that day?—A. Yes, sir; I think so; there were a few of the Democratic voters not there.

Q. Were they able to speak English?—A. I asked that and was told there was none.

Q. What time did you leave in the afternoon?—A. About 6 o'clock.

Q. What Americans were there, and how long were they there?—A. 'Squire Billingsley and some others.

Q. Is anything the matter with him?—A. Yes, sir; he has been paralyzed. The two Smiths were there in the evening; one of them had a very sick family, and another had business in another county, and he said he could not be there. The remaining whites are uneducated.

Q. Was there any election held in August?—A. No, sir. I went there at 8 o'clock; I found about half a dozen freedmen there. They said they could not stay as they had to go to work. I went back after dinner and there was only one negro there and he was asleep under a tree. I saw there was no chance of opening the polls and I went on to Chapel Hill and spent the evening there.

Q. Was there any effort made to get you to hold that election by the chairman of the People's ticket?—A. Yes, sir; I had a conversation with Felder—

(Objected to by the prosecution and objection overruled.)

Q. Were you before the election?—A. Yes, sir; Felder asked me—

(Objected to by the prosecution and objection overruled.)

The WITNESS. Felder insisted on the box being opened.

Q. You say you saw no effort made by anybody to prevent opening the polls?—A. No, sir; there was no disturbance. There was no bad feeling between the whites and the blacks present.

Q. Did you see anybody there around?—A. I did not.

Q. Did you see Bailey Whisenant there?—A. Yes, sir. He has a farm west of the voting precinct. He said he had come by to see if we had opened the polls; he only staid a few moments.

Q. Which way did he go?—A. Towards Chapel Hill.

Q. What was his voting place?—A. Chapel Hill.

Q. You say he had a farm?—A. Yes, sir.

Q. What time of day was it?—A. I think about 12 o'clock.

Q. Did you see Joe Bob Rout there?—A. Yes, sir; he came with Whisenant and left with him.

Q. Where does Rout live?—A. Near Chapel Hill.

Q. Which way did he go?—A. Towards Chapel Hill.

Q. Was Jodie Rout there?—A. No, sir; he was not there.

Q. Was Milton Sligh there?—A. I didn't see him there. I don't remember seeing him there. There were but few whites there.

Q. Were they all together or scattered around?—A. The Americans were grouped together pretty generally.

Q. You did not see Sligh?—A. No, sir; I did not during the day.

Q. Did you see Rogers there?—A. Yes, sir.

Q. Was he the county attorney at that time?—A. Yes, sir.

Q. Did you see him or notice whether he tried to hold the election?—A. He told me he was worn out, he had lost so much sleep. He got his overcoat and laid down and spent the greater part of the time lying down. I saw a number of freedmen asking how to open the polls, and he read the law to them.

Q. Was Lockhart there?—A. Yes, sir; he asked me why the polls were not opened, and I told him. I said he could go ahead to organize. When I came back from dinner he had left.

Cross-examined:

Q. You say that at the time Kirk appointed you you said you could not serve?—A. No, sir; a few days before the election.

Q. Was that election precinct there in 1884, or was it established in 1886?—A. It was established for the 1886 election.

Q. Established by the commissioners' court?—A. I suppose so.

Q. Judge Kirk was the presiding officer of the commissioners' court?—A. Yes, sir.

Q. Was he familiar with the number of voters there?—A. I don't know.

Q. Did he tell you there was anybody else that could serve in your place?—A. No, sir, I don't think so.

Q. Were there only three of the men there who could have opened the polls?—A. No, sir; among the whites.

Q. Why did you not open the polls?—A. Because I was suffering from neuralgia.

Q. What time did you go there?—A. Before 8 o'clock.

Q. Did you stay there all the time?—A. Yes, sir.

Q. When did you go away?—A. About 6 o'clock.

Q. You staid there all day with neuralgia?—A. Yes, sir; about 6 o'clock I got some relief.

Q. Did not you know that if the box was opened and votes put in it, that it would be an election no matter whether the men who received

the vote could read or write or not?—A. I thought it would be very important for the clerk to read and write.

Q. Could not the votes have been sealed up and counted by some one else?—A. I did not know it.

(Objected to by the defense.)

Q. What time did Rogers go there?—A. I don't remember. It was some time in the early part of the day.

Q. How far from Chapel Hill?—A. Three miles.

Q. How far from Brenham?—A. About 12 miles.

Q. How long did Rogers stay there?—A. Till some time in the afternoon.

Q. Did you see him try to get the men together to open the box?—A. I think he complained of being very much fatigued. He laid down in the shade of the gin-house, and staid there all day. Any one who wanted any information went to him there and got it.

Q. Did he try to open the polls?—A. I don't know, sir.

Q. You say Bailey Whisenant was there?—A. Yes, sir.

Q. He is running a farm?—Yes, sir.

Q. Does he live there?—A. I think so.

Q. Coming from that farm had he to pass your poll?—A. Not necessarily.

Q. Joe Bob Rout was there?—A. Yes, sir.

Q. Did you see John Traylor there?—A. Yes, sir; late in the evening.

Q. Did you see Milton Sligh there?—A. I don't remember.

Q. How long did Traylor stay there?—A. About ten minutes. He and McDurmott rode up in a buggy.

Q. What time was that?—A. About 5 o'clock.

Q. It was then known that no election was held?—A. Yes, sir.

Q. Were you in a position to know that any of these men threatened the negroes there?—A. I think if such a remark was made I should have heard it, or heard of it. Some bystander might have told me. The whites were to the right and the negroes to the left, and if such a threat had been made it must have been done loud enough for me to hear it.

Q. Did you say none of these men spoke to the freedmen with reference to opening the polls?—A. No, sir.

Q. Did you undertake to say none of them spoke?—A. No, sir; it might have been done.

Q. I understood you to say that the negroes were in a bunch and the Americans were in another bunch?—A. Yes, sir.

Q. Were they all residents of that precinct?—A. Not all of them; there was Smith Fitzgibbon.

Q. Could he read or write?—A. A little. I tried to get him to serve, but he refused. McDurmott, Traylor, and Felder and son were there late in the evening. This is all I think was there. I don't remember anybody else.

Q. You say M. M. Felder thought there was a Democratic majority at those polls?—A. Yes, sir.

Q. When you made that list you have there?—A. I made it out this morning. There is a freedman here who assisted me, and we revised this list this morning.

Q. Is that list from your own personal knowledge?—A. Yes, sir.

Q. Do you undertake to say that you have every man on that list who was authorized to vote on that day?—A. I believe so.

Q. How did you get them? Did you take the men who were there last election day?—A. I have a plantation near the center of that pre-

cinct and I know every freedman there. Most of them lived on the farm.

(Objected to by the defense.)

Q. You are aware that a man can vote in the precinct without having lived there but a very short time?—A. Yes, sir.

Q. Do you know how many colored men there were who could vote on election day?—A. Our habits are such that we employ our men early in the year. There may have been some other men who came in to pick cotton, but I don't know.

Q. Are these same men residing there now?—A. No, sir; laborers are transient.

Q. And cotton was being picked at that time?—A. Yes, sir.

Q. And the men moved from one place to another?—A. Yes, sir.

Q. Does that list contain the names of all those authorized to vote on that day?—A. These are the hands on the plantation.

Q. The voting was formerly done at Chapel Hill?—A. Yes, sir.

Q. Do you know the lines of that precinct?—A. Yes, sir.

Q. Did you know it at that time?—A. I did.

Q. You say that these men asked you about opening the polls; is it a fact that no white man could be got to open the polls?—A. No, sir; it devolved on the colored to do it.

Q. Is it not a fact that the colored people referred to trouble in 1884, and said they did not want to open the polls themselves?—A. No, sir; they remarked, as I understood it, that they did not feel competent to open the polls.

Q. Did not they say that they were afraid to open the polls unless they had a white man there?—A. I think it was from the want of capacity.

Q. How many colored votes have you got there?—A. I have about 60 here, but there is about 5 or 6 I was not aware were voters at the time I went to Washington. They claim to be of age, but I don't think they are.

Q. These polls were not opened at the prohibition election?—A. No, sir.

Q. They never have been opened since they were established?—A. No, sir.

Q. You say there was no election trouble in 1884 at Chapel Hill?—A. No, sir; I did not say so.

(Objected to by the defense and objection sustained.)

TESTIMONY OF W. D. CROCKETT.

W. D. CROCKETT, examined:

Q. Where do you live?—A. At Chapel Hill, Washington County.

Q. Where were you on the night of the election; were you at Rout's gin?—A. Yes, sir.

Q. Did you see Joe Rout there?—A. Yes, sir.

Q. What time did you get to Rout's gin?—A. I believe about 10 or 11 o'clock.

Q. How long did you remain there?—A. Until they had finished counting the ballots; it was after 12.

Q. Where was Joe Rout?—A. When I first saw him he was in his gin-house.

Q. Was he assisting in counting?—A. I don't know exactly what he was doing.

Q. You saw him coming down stairs?—A. I did; he came out on the gallery and spoke to me.

Q. Were any others there?—A. There were Rout, Bob Crawford, and one or two negroes.

Q. What came of Joe Rout after that?—A. He came to town with me.

Q. Where did he live?—A. In town; he was boarding with his brother at the time.

Q. You came back to town together?—A. Yes, sir.

Q. Where did you go when you got back to town?—A. We went to the polls in Chapel Hill.

Q. How long did you stay there?—A. We went home. I went to mine and he went to his. He went to Dr. Williams's; that was about 2 o'clock on the morning of the third.

Q. What came of Crawford?—A. He was with me. We went out to Rout's together and came back together.

Q. Where did he go after you separated?—A. He went home.

Q. Whose place?—A. Mrs. Smith's.

Q. Where was his brother living at that time?—A. At Mrs. John Smith's present home.

Q. Has John Smith a family of his own or is he a single man?—A. He was a single man then.

Q. How far was Smith's from Chapel Hill?—A. About 1½ miles down on the Brenham road; right on the railroad.

Q. Where did Joe Bob Rout live?—A. At his mother's I think.

Q. How far from the gin house?—A. Not more than 200 or 300 yards.

Q. They came back to town with you?—A. No, sir; they went to bed.

Q. How far is that from Chapel Hill?—A. About 2 miles.

Q. About what time was it you separated that night?—About 2 o'clock, I think.

Q. You were all together at Rout's until after the result was announced?—A. Yes, sir.

By the COURT :

Q. Was Will Crawford with you?

Mr. SHEPARD. No, sir; he did not say so.

Cross-examined :

Q. Where do you live?—A. At Chapel Hill.

Q. In the town itself?—A. Yes, sir.

Q. Did you see Kirk there on the night of the election?—A. I did.

Q. Did not he go to your house?—A. No, sir.

Q. Did you not have a conversation in the presence of your brother Jesse?—A. No, sir.

Q. Did not he tell you not to go with Kirk?—A. No, sir.

Q. When did you see him?—A. After supper; when I last saw him it was about 10 o'clock I think. I won't be positive about the exact time, but it was a good deal after 9.

Q. Which way did you go from there?—A. I could not tell.

Q. Where did you see him?—A. Right in front of Rheinstein's store.

Q. Who was with you?—A. John Crawford, Joe Bob Rout, and I believe when I first saw him Bailey Whisenant was with him.

Q. Did you see John Traylor?—A. No, sir.

Q. Did you see Sligh there?—A. Yes, sir.

Q. Was he with Kirk?—A. I did not see him with him.

Q. Were they all in Chapel Hill together after dark?—A. Yes, sir, I saw Traylor in town that night.

Q. What time did he leave town?—A. With Joe Bob Rout and John Crawford some time about 10. We went to Rout's gin and staid there till the result was announced.

Q. Where did you go?—A. I went to the polls in Chapel Hill.

Q. What time of night when you left Rout?—A. After 12 o'clock.

Q. What road did you go?—A. The plain, big road.

Q. How far from Flewellyn were you that night?—A. About 12 miles.

Q. You went to Graball; did you see anybody who had been there?—

A. No, sir.

Q. Did you go to Flewellyn or Graball next morning?—A. No, sir.

Q. Where did you leave Jodie Rout?—A. At my gate.

Q. When you went to Chapel Hill there was Jodie Rout and Crawford with you?—A. Yes, sir.

Q. When you went back to Chapel Hill did you meet Kirk?—A. No, sir.

Q. Did you see Whisenant or Traylor or Sligh when you came back?—

A. No, sir.

Q. Do you know what time you got back?—A. About 1 o'clock, I think.

Q. When you saw Kirk did you have any conversation with him as to how Brenham had gone?—A. I don't think so.

Q. Did he tell you he was going to Brenham or Graball?—A. No, sir.

Q. Did he ask anything about Rout's gin?—A. He might have, I don't remember.

Q. Did he send you there?—A. No, sir.

Q. Did he say anything about being beaten that day?—A. I don't know; I may have asked him.

Q. Did he say the county had gone against him?—A. He did not.

Q. Did he say anything about sending a telegram to Bolton?—A. He did not.

Q. Did you ask him if he thought he was elected?—A. I suppose I did.

Q. What did he say?—A. I do not know.

Q. Did you see the polls closed at the court-house?—A. No, sir.

Q. What came of the diamond-shaped tickets at Chapel Hill?—A. I don't know.

Q. Who were the officers at Chapel Hill?—A. H. Good, Hugh Bledsoe, and John Chapel.

Q. You did not go to the polls at Chapel Hill?—A. Yes, sir; I did.

Q. Did you notice whether they were counting the votes?—A. I did not.

Q. Did you ask anything about the diamond shaped tickets?—A. No, sir.

Q. Did you know whether they were being voted?—A. Yes, sir.

Q. Did you see Whisenant or Sligh or Rogers during the day?—A. No, sir.

TESTIMONY OF H. D. WINN.

H. D. WINN, examined :

Q. Where do you live?—A. At Chapel Hill.

Q. Were you assisting in holding the election last fall?—A. Yes, sir.

Q. What box?—A. Rout's gin.

Q. Did you stay through the count?—A. I did.

Q. What time did you get through?—A. I think about 1 or 1.30 in the morning.

Q. Who was there counting out the ballot?—A. I was one of the clerks.

Q. Who else?—A. Joe Rout.

Q. What time did you commence making the count?—A. About 7 o'clock.

Q. Did Rout stay there the entire time?—A. Yes, sir.

Q. Where did he go then?—A. I don't know.

Q. Did you go home?—A. Yes, sir.

Q. Did you see him go off?—A. No, sir; it was dark.

Q. You live in the precinct?—A. No, sir; I was working there at that time.

Q. You know Rout well?—A. Yes, sir.

Q. You signed the returns and fixed everything regular before you left?—A. Yes, sir.

Q. Did you see Rout during the day?—A. Yes, sir; he was on the ground the best part of the day.

Q. Did you see anything of John Crawford there that night?—A. No, sir.

Q. Were you holding the election. Were you on the ground or in the house?—A. We were in the house.

Q. Did you have the doors closed?—A. There were no outsiders in there—the count.

Q. When you got through you went home?—A. Yes, sir; about 1 or 2 o'clock.

Cross-examined :

Q. You say you live in Chapel Hill?—A. Well, in Chapel Hill vicinity.

Q. Did you vote in Chapel Hill that day?—A. No, sir.

Q. Did Rout vote in Chapel Hill that day?—A. No, sir; he voted at Rout's gin, if I am not mistaken.

Q. Do you remember when he came there that day?—A. He was there when I got there.

Q. What time in the morning?—A. About 8 o'clock.

Q. How long did he stay there?—A. Until after dinner.

Q. He was there at 12 o'clock?—A. Yes, sir.

Q. Are you sure of that?—A. Yes, sir.

Q. When did he leave there?—A. I am not sure of the exact time, but it was something after 12.

Q. How did he leave?—A. I think on horseback.

Q. About what time did he return?—A. He was gone about an hour.

Q. That was the only time he went off that day?—A. Yes, sir.

Q. How far is that from Chadwick's gin by the road?—A. About 4 miles.

Q. How far from Graball?—A. About 17 or 19 miles, I think.

Q. How far from Chapel Hill?—A. About 2 or 2½ miles.

Q. How far from the farm that Rout owns near Chadwick's gin?—A. I didn't know that he owned near there. I don't know anything about it.

Q. Where is his farm?—A. That gin was right on his farm, if I know anything of his farm.

Q. Where does he live?—A. I don't know where his residence is.

Q. Did he vote there that day at your box?—A. Yes, sir, I think so.

Q. What election do you refer to?—A. Last November, 1886.

Q. Do you remember how many votes were polled at your box?—A. I think about 150.

Q. How long did it take you to count those votes?—A. I think from 7 or 8 till 1 o'clock.

Q. Were any diamond tickets cast at that box?—A. Yes, sir.

Q. Were they counted?—A. Yes, sir.

Q. Do you remember how the vote stood?—A. In what particular?

Q. As regards the Republican and Democratic tickets.—A. I don't remember.

Q. Did you count the votes rapidly?—A. Yes, sir.

Q. Was there any scratching?—A. Yes, sir.

Q. On the diamond tickets?—A. Yes, sir.

Q. Could you tell how the scratching was done?—A. They wrote the name over the other name, sometimes with a pencil and sometimes with ink.

Q. Did any one come there and call Rout out that night?—A. I don't remember definitely.

Q. Who was it and when was it?—A. I don't remember who it was.

Q. You know he was called out?—A. I won't say positively.

Q. You don't remember when he spoke and went out on the gallery?—A. I don't remember.

Q. Who did you see from Chapel Hill?—A. I didn't see anybody.

Q. Did you see Crockett there?—A. No, sir.

Q. Did you see Joe Bob Rout?—A. Yes, sir.

Q. Did you see Traylor there?—A. No, sir.

Q. Did you see Sligh there?—A. No, sir.

Q. Did you see any one from Chapel Hill?—A. No sir, except Rout.

Q. Did you see any one call him out?—A. No, sir.

Q. If Crockett or Bill Crawford had called him out, would you have noticed it?—A. I suppose I would.

Q. Do you remember any interruption in the count?—A. No, sir.

Q. Did you stop after you commenced?—I don't remember, only to eat supper.

Q. What ticket did you vote?—A. Republican.

Q. You are a teacher there?—A. Yes, sir.

Q. Appointed by Mr. Kirk?—A. Yes, sir; am working under his administration.

TESTIMONY OF FRED. GASPER.

FRED. GASPER, examined:

Q. Where did you live in 1886?—A. At Will Berg's.

Q. What election box did you go to?—A. Jodey Rout's.

Q. Are you sure of it?—A. Yes, sir.

Q. Did you see Rout there?—A. Yes, sir.

Q. How long was he there?—A. I got there before morning, and he and I was together nearly all day. He went to the town about 4 o'clock in the evening. He went after some cigars. He came back again after about half an hour. I left there about 10 o'clock.

Q. What were you doing?—A. Distributing Republican tickets; I was on the committee for distributing tickets.

Q. Did you see Rout that night?—A. Yes, sir; he went up in the house.

Q. Had they got through counting when you left?—A. No, sir.

Q. Was Rout there?—A. Yes, sir.

Q. Did you see any other people around there?—A. Mrs. Fait Rout came there before I left; I did not see anybody else except those that were there already.

Q. Who was there already?—A. I don't know as I could call off the names now.

Q. Whites or blacks?—A. Colored.

Q. Were they Republicans—the colored men?—A. I don't know, sir.

Q. How many of them staid there?—A. About five or six.

Q. Did you leave them there when you left?—A. Yes, sir.

Cross-examined :

Q. You say Rout went there with you that morning?—A. No, sir; he was there when I got there.

Q. What time did you get there?—A. About 7 o'clock.

Q. Did he go away from there at any time?—A. He went in the evening about 4 o'clock.

Q. Did he go any other time?—A. No, sir, he left just about 4 o'clock.

Q. Did he leave there at 12 o'clock?—A. No, sir, we had dinner there.

Q. What time after dinner did he leave?—A. Late in the evening.

Q. Are you certain?—A. Yes, sir.

Q. Did he ride off on his horse until he went for the cigars?—A. No, sir.

Q. If he had gone you would have seen him?—A. Yes, sir.

Q. He did not go until 4 o'clock?—A. No, sir.

Q. Did you hear the clock strike?—A. No, sir; they had watches there.

Q. What makes you think it was 4 o'clock?—A. I didn't inquire the reason; it was about 4 o'clock.

Q. It was three or four hours after you ate dinner that he left?—A. Yes, sir; about 4 o'clock.

Q. And then he went to Chapel Hill?—A. He may have stopped at the depot.

Q. Who went with him?—A. I never saw anybody with him.

Q. Did you see Baily Whisenant there?—A. I don't remember.

Q. Did he go with Rout?—A. I don't know.

Q. Did you see Traylor there?—A. No, sir.

Q. Did you see Sligh?—A. No, sir.

Q. Did you see Judge Kirk?—A. No, sir.

Q. Did you see Rogers there that day?—A. I don't remember.

Q. Did you see John Crawford?—A. Yes, sir; during the day.

Q. Did he and Rout go off together?—A. I don't know.

Q. Did you see Will Crawford there that day? A. I saw him there awhile that day.

Q. Did you see Will Crockett there?—A. I disremember.

Q. Did you see Crawford that night?—A. No, sir; I saw him in the day-time.

Q. And they left in the day-time?—A. Yes, sir.

Q. That was Will Crockett?—A. No, sir; I don't remember Will Crockett at all.

Q. The witness Will Crockett that was here, did not you see him there that day?—A. I don't recollect.

Q. But you saw him that night?—A. No, sir.

Q. What time did you leave?—A. About 10.

Q. Did you see John and Will Crawford that night?—A. No, sir; I heard they were there.

Q. When you left, had Jodie Rout left?—A. No, sir.

Q. Did you see him next morning?—A. No, sir.

Q. Did you see Will Crawford next morning?—A. No, sir.

Q. Did you see Sligh next morning?—A. No, sir.

Q. John Crawford?—A. Yes, sir.

Q. Traylor?—A. No, sir.

Q. How soon next morning did you hear of the robbery of the box at Flewellyn?—A. About 12 o'clock, I think; I may not have heard of it that day.

Redirect:

Q. You don't pretend to be positive about the time Rout left for town?—
A. No, sir; I think about 4 o'clock.

TESTIMONY OF DR. WILLIAMS.

Dr. WILLIAMS, examined:

Q. Where do you live?—A. At Chapel Hill.

Q. Were you at the election?—A. Yes, sir.

Q. Did you see Joe Rout that night?—A. Yes, sir.

Q. Is he related to you?—A. Yes, sir; he is my brother-in-law.

Q. Did you see him on the night of the election?—A. Yes, sir.

Q. Where was he living?—A. He was boarding at my house.

Q. Did he come home during that night?—A. Yes, sir.

Q. What time?—A. I think about 2 or 2.30 o'clock.

Q. How did you know he came in?—A. I always keep the house door locked and I had to get up and open it and let him in.

Q. Was there any one with him?—A. No, sir.

Q. What time did you see him again?—A. Next morning at breakfast.

Cross-examined:

Q. You say it was 2.30 o'clock?—A. Yes, sir.

Q. Did you examine any time-piece?—A. No, sir; I asked him the hour and he said it was 2.30 o'clock.

Q. How far was that from Rout's gin?—A. About 2 miles.

Q. Did he have anything the matter with his arm?—A. No, sir.

Q. Did he complain about it?—A. No, sir.

Q. Did you see Judge Kirk there that night?—A. No, sir.

Q. Did you see Traylor?—A. Yes, sir.

Q. Sligh?—A. Yes, sir.

Q. Bailey Whisenant?—A. I think he was there; all the boys were in town, but I can not say positively.

Q. What were they doing?—A. I don't know.

Q. Were they together?—A. They were scattered about over town.

Q. Were they running together?—A. I don't know.

Q. John Crawford and Bill and Jodie Rout and the others all run together?—A. I don't understand you.

Q. They all stay together?—A. They are friendly to each other, if that is what you mean.

Q. What time was Rout there?—A. I think, perhaps, 2 o'clock or somewhere along there. It was after dinner. I saw him on the streets after dinner.

Q. How long after dinner when you saw him?—A. I think about 2 o'clock.

Q. Had you seen him before that in town?—A. I can't say positively; I know he was there after dinner.

Q. Were you present at the count of the votes?—A. No, sir; I went in there to get the returns for the News. I went there about 11 o'clock.

Q. Were they counting the diamond tickets or throwing them out?
(Objected to by the defense and objection overruled).

Q. Can you tell what they did with the diamond tickets?—A. No, sir; I could not say. I know there was something said about it.

Q. You don't know now what that was?—A. No, sir; I don't.

TESTIMONY OF J. T. CHAPMANN.

J. T. CHAPMANN, examined:

Q. What poll were you at on election day last fall?—A. At Rout's gin-house.

Q. Were you an officer there?—A. Yes, sir.

Q. Who helped you in making up the returns that night?—A. Joe Rout.

Q. What time did you commence counting?—A. After dark.

Q. What time did you get through?—A. About 2 o'clock.

Q. Did Rout remain there during the whole time?—A. Yes, sir.

Q. Where was he during the day?—A. He was there all day except a little while.

Q. You knew him well?—A. Yes, sir.

Cross-examined:

Q. When was it that he was away?—A. In the evening.

Q. What time?—A. I think some time between 3 and 4 o'clock; I can't say what the time was exactly.

Q. It was late in the evening?—A. Well, it was about 3 o'clock, I think, when he went away. I won't say positively, but I think it was about 3 o'clock.

Q. Who did he leave in company with?—A. I am not able to say.

Q. How did he go?—A. Horseback, I think.

Q. Did you see him get on his horse?—A. No, sir.

Q. How do you know he went?—A. Because he said a man there wanted to go to a certain place to vote, and he wanted to show him.

Q. Who was it?—A. Winne.

Q. Where did he want to go?—A. He wanted to go to the place known as Chadwick's gin.

Q. Which Winne was that; the yellow man who testified here?—A. Yes, sir.

Q. Why did he not go?—A. He said it was too late.

Q. Who said so?—A. I don't know.

Q. Winne was a voter at Chadwick's gin?—A. Yes, sir.

Q. He said it was too late, and there was an election there?—A. That is what I said.

Q. How did you know Rout left? Did you see him go?—A. I saw him start off to catch his horse, and he said he was going to Chapel Hill.

Q. Did he leave there before that day?—A. I don't think so.

Q. When he came there did he unsaddle his horse and turn it loose?—A. He hitched it.

Q. Why then did he want to catch it; wasn't it hitched and with the saddle on it?—A. The horse was hitched. I don't know whether the saddle was on it or not.

Q. Did you see him get on the horse?—A. No, sir.

Q. Could you see whether the horse was hitched from where you were?—A. Yes, sir.

Q. Did you notice that it was there all day long?—A. I did not.

Q. That was at what time of day?—A. About 3 o'clock.

Q. He came there early in the morning?—A. Yes, sir.

Q. Had you seen him when he had hitched his horse?—A. Yes, sir.

Q. Was his horse taken away from that place before 3 o'clock?—A. I am not able to say.

Q. Did you stop voting for dinner?—A. No; we ate little.

Q. What time?—A. The middle of the day.

Q. Was that the usual time?—A. It did not seem the usual time to me.

Q. What is your occupation?—A. I cultivate a remnant of Washington County.

Q. Don't you always get your dinner at 12 o'clock?—A. No, sir. I try to be regular, but don't always have it regular.

Q. You usually come out of the field at 12 o'clock?—A. No, sir; and I don't know that I am forced to tell you anything about my dinner time, or when I feed my horses, or what I do. I will answer about Rout.

Q. And do you only want to answer about Rout?—A. I am willing to answer any fair question about that election.

Q. Have you anything to fix the time you ate dinner at that day?—A. Well, to the best of my understanding it was after 12 o'clock.

Q. What position did you occupy at the election; were you judge of the election?—A. Can I refer to a minute?

The COURT. Yes, sir.

DISTRICT ATTORNEY. Who made that minute?

The WITNESS. Winne made it.

Q. For what purpose?—A. I told him; I said, I have forgotten the names of the men who were in the box, and I said that might come up and I asked him to give me the names.

Q. Any other names on the minute?—A. Mr. Rout's is.

Q. Did he ever see that minute?—A. No, sir.

Q. Did you ever consult with him about it?—A. No, sir.

Q. Did you ever speak to him about being there that night?—A. I have no recollection.

Q. How was it known that you knew Rout was there that night?—A. Because I knew he was there.

Q. How was it Winne had to give you a memorandum?—A. I did not know the names of some of the men.

Q. Any of their names on there?—A. My name is on there.

(Objected to by defense and objection overruled.)

Q. You say that man gave you the memorandum how long ago?—A. My understanding is that he gave it to me Monday morning.

Q. Did he hand it to you himself?—A. No, sir; I went to him and asked him if he knew the men's names.

Q. Who handed you the paper itself?—A. I don't know the man who gave it to me.

Q. From whose hands did you get it?—A. From Winne's hands on Monday.

Q. Did he hand it to you himself?—A. Yes, sir; he wrote it in my presence and handed it to me.

Q. Was any one else present?—A. Not that I know of; there was a man standing at the desk.

Q. Where was it done?—A. Across the street.

Q. After you had been summoned as a witness?—A. Yes, sir.

Q. You saw the horse tied in the morning; was he unsaddled when he was tied?—A. He may have taken the saddle off, but I don't know.

Q. You were one of the judges of the election?—A. That is what I claim to be. I was known as the judge in that box.

Q. From the place in which you sat in the room could you see Rout's horse?—A. We did not occupy any room.

Q. Did you hold the election in the open air?—A. We had a kind of banisters around us; it was a room Rout had built to put cotton in.

Q. Were there any walls around you?—A. It was inclosed.

Q. Was it with a railing?—A. It was not built like a house.

Q. Was it so you could see out at any side?—A. No, sir; because the gin was at the west side.

Q. Could you see from any other side?—A. Yes, sir.

Q. If Rout had got on his horse during that time would you not have seen him?—A. I don't know.

Q. Did Rout eat dinner with you that day?—A. No, sir.

Q. Did you see him at dinner?—A. I did not take any observation.

Q. Did you see him there at dinner-time?—A. He was there from the morning until 3 o'clock. I would make affidavit to that effect on a stack of Bibles as high as your head or before any judge or justice.

TESTIMONY OF SAMUEL EPSTEIN.

SAMUEL EPSTEIN, examined:

Q. Where do you live?—A. In Chapel Hill.

Q. Where were you living last election day?—A. At Chapel Hill.

Q. Were you there during election?—A. Yes, sir.

Q. What business are you in there?—A. General merchant.

Q. Do you know Bailey Whisenant?—A. Yes, sir.

Q. Did you see him on the day of election?—A. Yes, sir; till about 8 o'clock at night; then I went to the lodge and did not see him any more.

Q. Who was he with?—A. I don't remember.

The COURT. This was at Chapel Hill?

The WITNESS. Yes, sir.

Q. He was there until 8 o'clock?—A. Yes, sir.

By DEFENSE:

Q. Were you at the Chadwick box that day?—A. No, sir; I was at the store all that day.

Q. Did Rheinstein go out there?—A. He started there; I don't know whether he got there.

Cross-examined:

Q. Did you see Sligh?—A. Yes, sir.

Q. Whisenant?—A. Yes, sir.

Q. Kirk?—A. Yes, sir; in the early part of the evening.

Q. Do you remember selling some pistols and cartridges that night?—A. No, sir.

Q. Were any taken from your store without your knowing it?—A. No, sir.

Q. You mentioned there were a good many men there; who were they?—A. Kirk, Whisenant, and John Traylor, right by the side of my store; there were others, but I don't remember who. There were four or five of us left my store and went to the lodge.

Q. Did you see Rout?—A. No, sir.

Q. Did you see the Crawfords?—A. No, sir.

Q. Traylor, Kirk, and Whisenant were together?—A. No, sir; I did not say so.

Q. You say they were about the same time?—A. I don't know exactly the time.

TESTIMONY OF R. P. BUCKINGHAM.

R. P. BUCKINGHAM, examined:

Q. Where were you living last election day?—A. At Chapel Hill.

Q. What business are you in?—A. General merchandise.

Q. Do you know Whisenant?—A. I reckon I ought to.

Q. Did you see him that night after the polls were closed?—A. Yes, sir.

Q. Where did you see him?—A. He and I were sitting on a box in front of Rheinstein's store; it was about 11 o'clock.

Q. Was any one else there?—A. Dr. Joe Rogers, and I think Rheinstein.

Q. Was the store open?—A. No, sir.

Q. You and Whisenant were sitting on a goods box?—A. Yes, sir.

Q. How long did you sit there together?—A. I don't remember.

Q. Who left first?—A. We both got up and left together. He asked me what time it was, and I took out my watch. He got on his horse and went home.

Q. What is the nearest you can give about the time you separated?—A. I think it was about 10.30 or 11, I won't be positive. I remember pulling out my watch, but I don't remember the exact time.

Q. Did he go with any one?—A. No, sir; he went alone.

Q. Did you see any one else around?—A. There was several on the street, but no one rode on with him. It might have been a little later, that I won't say positively. I went down to the polls and staid there some time, and I went back to the store and got some cigars for the boys at the polls, and went home. When I got home it was near 12 o'clock.

Q. How far do you live from your store?—A. I reckon half a mile; about four or five blocks.

Q. Where was Whisenant locating at that time?—A. At Mrs. Hynes's.

Q. How far from town?—A. About 2 miles; I won't say for certain.

Cross-examined:

Q. Had you seen Bailey Whisenant in town during that day?—A. I don't remember.

Q. Where did you meet him first that evening?—A. I met him there.

Q. You say you keep a general merchandise store?—A. Yes, sir; groceries, dry goods, etc.

Q. What time do you close your store?—A. I have no certain hours.

Q. How long after you closed your store did you meet Bailey Whisenant?—A. The store was not closed at that time. The doors were closed but I had not closed up for good.

Q. How far had you walked before you met Whisenant?—A. I don't know whether I went around town or not.

Q. What time do you generally close?—A. I have no regular time.

Q. You had not closed your store permanently then?—A. No, sir; I was waiting in town to hear from Rout and Felder and other boxes, as Searcy asked me to keep him posted about the election.

Q. Did he want to hear from Flewellyn and Graball also?—A. No, sir.

Q. That office was left open then for telephoning the result of the election to Brenham?—A. The store was not open but the lights were burning.

Q. After you left the store you say you don't know how far you went before you met Whisenant?—A. I don't know.

Q. Is there anything that would fix the time in your mind?—A. I don't remember.

Q. Is there anything that fixes the time when you first met him?—A. I know it was not very late.

Q. Had they commenced to count out the polls?—A. They had.

Q. Had they got so there that you could send any information to Searcy?—A. I don't know.

Q. Did not you telegraph to Searcy that the diamond-shaped tickets had been thrown out?—A. I don't remember.

Q. Had you been to the polls before you talked to Searcy?—A. I think I had. I went there before the store was closed.

Q. You were looking for information about the vote?—A. I don't know that I was.

Q. You can't tell how much you had voted around before you had met Bailey Whisenant?—A. No, sir.

Q. Can't you tell what you talked about?—A. That would be a mighty hard thing.

Q. Did you talk about the election?—A. I don't know; I can't tell

TESTIMONY OF LUKE TRAYLOR.

LUKE TRAYLOR, examined:

Q. Where were you living on election day?—A. On Mrs. John Smith's place.

Q. Mr. Smith is not living, is he?—A. No, sir.

Q. Were you at home that night?—A. Yes, sir.

Q. Did you see Will Crawford there that night?—A. Yes, sir; he was there about 10 o'clock.

Q. How did he come?—A. He came home about sundown.

Q. How did he come?—A. Riding.

Q. Was any one with him?—A. No, sir.

Q. Was any other white man on the place?—A. No, sir.

Q. When did you see him last that night?—A. About 10 o'clock.

Q. How came you to see him?—A. He came down to my house and got me to help him to turn out the horses.

Q. Did you do that every night?—A. Yes, sir.

Q. Did he turn out all the horses?—A. Yes, sir.

Q. He left none in the lot?—A. No, sir.

Q. Where did he go then?—A. He went to the house.

Q. Where did you go?—A. I went to my house.

Q. Was that the last you saw of him?—A. Yes, sir; until the next morning.

Q. When did you see him then?—A. Before sunup.

Q. What did he do then?—A. He fed the horses every morning.

Q. What was he doing at Mrs. Smith's?—A. He is attending to her business.

Q. Has she got a farm west of Chapel Hill?—A. Yes, sir; down on the Brazos.

Q. Did you ever live down there?—A. Yes, sir.

Q. Who does that place belong to?—A. Mrs. Smith.

Q. What direction is it in from Tolen's; is it northward of Chapel Hill?—A. Further.

Q. When you were there was Crawford in charge of that place?—A. No, sir.

Q. Has he been since?—A. Yes, sir.

Q. Has Mrs. Smith any stock in the bottom there?—A. Yes, sir.

Q. Who attends to it?—A. Mr. Crawford.

Q. How long have you known him?—A. About four years.

Q. Is he in the bottom much, or how does he go there?—A. Sometimes three or four times a week, and sometimes oftener.

Cross-examined :

Q. Where are you living now?—A. At Smith's place.

Q. Same place you were living then?—A. What time do you mean?

Q. The time you have been testifying about?—A. Yes, sir.

Q. Where was your voting place?—A. Chapel Hill.

Q. Did Will Crawford go there?—A. Yes, sir.

Q. John Crawford go there?—A. Yes, sir.

Q. Did you see Whisnant there?—A. Yes, sir.

Q. Joe Rout?—A. I don't remember.

Q. How long did you stay there?—A. From the time the polls opened until 10 o'clock p. m.

Q. Where did you go then?—A. I went home.

Q. What time did you get home?—A. I don't know. I had a mile and a half to go and I was riding.

Q. Did you see Crawford when you got home?—A. Yes, sir.

Q. What were you doing?—A. I was turning out my mules and horses.

Q. How many horses did you turn out?—A. Five.

Q. How many did Crawford have there?—A. Five.

Q. Did you count the mules with the horses?—A. No, sir.

Q. Does that five include his riding horses?—A. Yes, sir.

Q. Did he have any horses that you could drive but not ride?—A. No, sir.

Q. What time do you usually turn out the horses?—A. About 9 or 10.

Q. Where was John Crawford at that time?—A. I don't know.

Q. Did you see him there that night?—A. I did not.

Q. Do you know what Will Crawford did after that?—A. No, sir.

Q. Did he take a horse and go off?—A. No, sir.

Q. Did he have any gentle horses there?—A. Of course, they were all gentle.

Q. Did you go back to the lot any more?—A. No, sir.

Q. What time was it you saw Crawford next morning?—A. Before sun-up; he met me at the lot.

Q. Did he talk to you about a man being hurt at Flewellyn?—A. No, sir.

Q. When did you hear of it?—A. Not for two days afterward.

Q. Where did Crawford go then?—A. Towards Chapel Hill.

Redirect :

Q. How far is your house from Mrs. Smith's?—A. I think about 100 yards.

TESTIMONY OF B. Y. AUBREY.

B. Y. AUBREY, examined :

Q. Where were you on election day ?—A. At Graball precinct No. 1.

Q. What were you doing there ?—A. I was presiding officer.

Q. Did you count the votes that election ?—A. Yes, sir.

Q. Did any disturbance occur at that box ?—A. Yes, sir. Some men came in and captured the box before we got through counting.

Q. How many were there ?—A. Two came in the house and one remained at the door.

Q. Were they disguised ?—A. Yes, sir ; all three.

Q. Did they take the box ?—A. Yes, sir.

Q. How did they go about it ?—A. When they came in somebody raised the alarm and when I saw them I tried to get in the back room. One of them put a pistol to my face and I gave up to him.

Q. What time was it ?—A. I think between 11 and 12 ; I don't know exactly. I got home before 1. I went half a mile to get a horse and rode about 2 miles. I got home before 1.

Q. Did you recognize the party ?—A. No, sir ; I did not.

Q. Were there many persons about the election that day ?—A. Yes, sir ; 341 votes were polled.

Q. Did you see Bolton ?—A. Yes, sir.

Q. D. D. Bolton ?—A. Yes, sir ; Dewees Bolton when I closed the polls was sitting in Billie Woods's buggy right under the window. I spoke to him before I closed the polls.

Q. Was he armed ?—A. I did not see any arms.

Q. If he had had on two six-shooters would you have seen them ?—A. Yes, sir ; I would.

Q. Is he a peaceful young man ?—A. He was the most peaceful man in the neighborhood.

Q. Is he married ?—A. Yes, sir ; about two years.

(Objected to by the prosecution and objection overruled.)

Q. Do you know when old man Bolton left ?—A. No, sir ; I do not.

Q. What time did Dewees Bolton leave ?—A. I don't know.

Q. Old man Bolton ran for some office ?—A. Yes, sir ; for county commissioner.

Q. Had he been elected before ?—A. Yes, sir ; two years previous.

Q. How far had you got with the count when the box was taken ?—A. Up to 223 or 224 votes.

Q. Did you tally them ?—A. Yes, sir.

Q. What came of the tally-sheet ?—A. I brought it up and returned it to Lewis, the county clerk at Brenham.

Q. How were Kirk and Schutze at that box ?—A. Kirk was 11 votes ahead.

Q. Had you thrown out any ballots ?—A. No, sir.

Q. Were there any diamond-shaped ballots in the box ?—A. Yes, sir.

Q. Had you been at the previous election ?—A. Yes, sir ; I have been there since the close of the war.

Q. Did you see anybody else there that did not live in that precinct ?—A. Yes, sir ; several.

Q. Do you remember their names ?—A. There was a couple of young men from Brenham, Ed. Lockhart and Barney Gilder.

Q. What were they doing ?—A. I understood they were working for the Republican ticket among the colored people.

Q. Do you know what time they left there?—A. I do not; I saw Gilder there late in the evening. I did not see Lockhart after 1 or 2 o'clock, and there was a white man there named Jones threatened to knock him on the head with a rock if he did not leave; I did not see that.

Q. Did you see Kirk there that day?—A. No, sir.

Q. You know him?—A. Yes, sir.

Q. You did not see him during that election?—A. No, sir; not that day at all.

Cross-examined:

Q. You say a man named Jones told Gilder he would knock him on the head with a rock if he did not go away from there?—A. Yes, sir.

Q. You say Kirk was some few votes ahead of Schutze when the box closed?—A. Yes, sir.

Q. Is it not a fact that you left the diamond-shaped tickets till the last?—A. There were three classes of tickets, or perhaps four, and we could tell them by the shape, and I classified them so we could count them by fives. I laid them all in separate piles and then counted each pile.

Q. Is it not a fact that the People's ticket was the most scratched ticket?—A. No, sir; I don't know.

Q. Is it not a fact that there was a Republican ticket there?—A. Yes, sir.

Q. Did not you take these tickets and put them aside to be counted last?—A. No, sir.

Q. Was not the pile of diamond tickets lying there uncounted when the box was taken?—A. No, sir; they were counted.

Q. Is it not a fact that you took out the long tickets first?—A. No, sir.

Q. Is it not a fact that the tickets left in the box were all diamond tickets?—A. I never saw them after the box was taken.

Q. Is it not a fact that the tickets remaining in the box were diamond-shaped tickets?—A. No, sir; I can't tell anything about that; I just took out the tickets as they came to my hand.

Q. You ran your hand in the box and took out the tickets and piled them up until you got five of each?—A. Yes, sir.

Q. Well, if it was a straight Democratic ticket you laid that in any pile?—A. We had no straight Democratic tickets.

Q. When the tickets were scratched, how did you count them?—A. If the five names were not scratched I would call out five.

Q. How did you count the odd numbers?—A. I counted them on the tally-sheet. I looked the tickets over to see who was scratched; if all five were for Ross I called out five for Ross.

Q. Suppose you got three for county judge and one or two for another, how did you count them?—A. I called them out.

Q. Who took the tickets out of the box?—A. I did.

Q. Is it not a fact that the long tickets were larger than the others?—A. Yes, sir.

Q. Were there not a large number of diamond-shaped tickets in the box when it was stolen?—A. I don't know.

Q. How were the men disguised?—A. The only way I could say is that they had a white cloth over their faces?

Q. How did they have their hats?—A. Over their eyes. That is the only disguise they had that I know.

Q. Was it white?—A. All white. One of the clerks in that election at the time they came in was powerful excited over the robbery.

Q. Were they armed?—A. Yes, sir; the men who took the box put a six-shooter in my face.

Q. Did any note pass in there before that occurred?—A. Not that I saw.

Q. Did not Caloway bring a note in there just before?—A. He brought in one just before we started to counting. He said that at Washington they had thrown out the diamond-shaped tickets and were not going to count them.

Q. Did you all keep a list of the diamond-shaped tickets?—A. Yes, sir.

Q. Was there any way you could know how many diamond tickets there were?—A. No, sir; they were on a string.

Q. As you counted the vote you strung it?—A. Yes, sir.

Q. You testified at Washington?—A. Yes, sir.

Q. You said at Washington it was just after 11 and when you got home it was 12?—A. No, sir; it was somewhere in the neighborhood of 12 o'clock when the thing transpired.

FOURTH DAY.

TESTIMONY OF MR. RHEINSTEIN.

— RHEINSTEIN, examined:

Q. Where were you living on last election day?—A. At Chapel Hill.

Q. What is your business?—A. Merchandising.

Q. Are you acquainted with Whisenant and Sligh?—A. Yes, sir.

Q. Did you see them at Chapel Hill on the night of the election?—A. Yes, sir.

Q. What time?—A. I closed up the store about 9 o'clock and I had a brother-in-law, Rubenstein, he was on a spree and I went up to the bar-room to get him. The next time I went up town, 10.30 or 11, they were sitting in front of my store and I asked them if they had seen Rubenstein.

Q. That was Bailey Whisenant and Dick Buckingham?—A. Yes, sir.

Q. Did you speak to them?—A. Yes, sir.

Q. You stopped and asked them and went on?—A. Yes, sir; I think I staid there a little while and then walked up the street again.

Q. Did you meet Sligh any more?—A. I really don't remember whether I did or not.

Q. Were any other persons about town; were the boxes closed?—A. I don't remember. The first time that I went up town there was a good many in town just like election day, but the next time I went up there was but few in town. It was very late.

Cross-examined:

Q. What time do you close your store?—A. At different times.

Q. On that night?—A. About 11 o'clock.

Q. Did you sell any cartridges or pistols or slickers that night?—A. I hardly think we sold any; I know we had no pistols at that time.

Q. You did not sell any six-shooters?—A. No, sir.

Q. When you went to look for your brother-in-law, how long did you stay there?—A. I staid there some time.

Q. How long did he stay there?—A. About an hour or an hour and a half.

Q. Was he in your presence all the time?—A. No, sir.

Q. Did you notice the time?—A. It was a pretty long time; I was mad.

Q. But you measured the time?—A. No, sir; I don't remember that I did.

Q. When you passed Buckingham what time was it?—A. About 9 or 9.30.

Q. Was his store open?—A. I don't remember whether it was open or not. The second time when I went up there it was closed.

Q. What time was it you went home?—A. About 10.30 or 11 o'clock.

Q. You say there was a good many men around there?—A. Yes, sir.

Q. Did you see any of them when you went back?—A. Yes, sir.

Q. Did you see any horses hitched at Buckingham's store?—A. No, sir; I don't remember.

Q. How many were gone?—A. I really could not tell.

Q. Did you see Judge Kirk there that night?—A. Yes, sir.

Q. How late?—A. After dark.

Q. About how late?—A. About 7 or 7.30 or 8 o'clock.

Q. Was your store open?—A. Yes, sir.

Q. Who was he talking to?—A. I don't know.

Q. But you thought you saw him and Sligh and Whisenant and Traylor together?—A. I don't remember. He was on the street and I saw him with Ben Rogers.

Q. Were they together?—A. Yes, sir; the early part of the night.

Q. You saw Judge Kirk about 7 o'clock?—A. Yes, sir.

Q. Are you positive it was not sooner?—A. I suppose he was there in the evening.

Q. Did you see him when he came to town?—A. No, sir.

Q. He was on horseback when you saw him?—A. No, sir; he was on the street.

Q. Did you see Judge Kirk there before dark?—A. I really don't remember, but I think so.

Q. Do you remember about what time that dark came on then?—A. I think about 7 o'clock.

Q. Did you see him there before sundown?—A. I really don't remember.

Q. Where was the first time you saw him there?—A. Right in front of my store.

Q. You had not closed your store at that time?—A. No, sir.

Q. How long after you saw Judge Kirk did you see Bailey Whisenant?—A. About two hours.

Q. Was that the first time you saw him?—A. I don't know. That was the only time I noticed him. That was the time I met him with Buckingham.

Q. You went home, closed your store and staid two hours, and came back?—A. No, sir; it was about 9 o'clock when I closed my store.

Q. I understood you to say you first saw Whisenant when you went up home?—A. No, sir; I said I saw Sligh.

Q. Where was Whisenant's horse when you saw him?—A. I don't know.

Q. When you saw Whisenant was Buckingham's store open?—A. I don't think so.

Q. Did not he keep the store open late that night?—A. I don't know.

Q. Did not he keep open to telephone the news that night?—A. I don't know.

Redirect:

Q. How far do you live from the store?—A. The house was right back of the store with just an alley between the store and my house.

TESTIMONY OF MRS. SMITH.

Mrs. SMITH, examined:

Q. Do you live at Chapel Hill?—A. I do, sir.

Q. How long have you lived there?—A. For the last twenty years.

Q. How far do you live from town?—A. About a mile and a half.

Q. Do know Will Crawford?—A. I do.

Q. Was he living at your house at that time?—A. He was.

Q. What does he do?—A. He attends to my farm.

Q. What is the age of your eldest son?—A. Thirteen.

Q. Where was Crawford on the evening of the election in November, 1886?—A. He was at my house.

Q. What time did he return?—A. About sundown.

Q. Did he remain?—A. He staid in the sitting-room with me and my children until about 10 o'clock.

Q. What did he do then?—A. He went out to the lot and turned out the stock.

Q. Is that a usual thing?—A. Yes, sir.

Q. Did he return to the house any more?—A. He did. I remember his coming back. He usually slept in the lower story, but when I was alone he usually slept upstairs with my little boy.

Q. What time did you see him next morning?—A. About 6 o'clock.

Q. Had he been in the habit of staying at your house at night?—A. Yes, sir; he staid there always when I was home.

Q. He is there still, is he?—A. Yes, sir.

Q. Are you in the habit of staying there alone?—A. No, sir.

Q. When he goes away does he always inform you?—A. Yes, sir.

Q. Did you hear him in his room before morning?—A. Yes, sir.

Q. Is the house kept locked?—A. Yes, sir.

Q. Did any one come home with him?—A. No, sir.

Q. Did you hear any one come in or go out?—A. No, sir; none at all.

Q. Do you wake easily?—A. Yes, sir; quite easily.

Q. You heard no one come in or go out during the night?—A. No, sir.

Q. Have you a place near the Tolen place?—A. Yes, sir.

Q. How far from Chapel Hill?—A. Close to Chapel Hill.

Q. How long have you had it?—A. About five or six years.

Q. Who has been attending to that for some years?—A. Will Crawford.

Q. State whether or not he is about the bottom frequently.—A. Yes, sir; sometimes every day.

Q. How long has he been familiar with that country?—A. Ever since he was a boy.

Q. Did he ever live near your place down there before he came to attend to your business?—A. Yes, sir.

Q. Did not you buy the Flewellyn stock that was running in your place some years ago?—A. I don't know.

Q. The Felder stock, I mean?—A. Yes, sir.

Q. Does Crawford look after that?—A. Yes, sir.

Q. Did the young man hunt in the bottom?—A. Yes, sir; Crawford went sometimes.

Q. Was John Crawford the brother of Bill Crawford?—A. Yes, sir.

Q. Did he attend to your business?—A. He attended the stock a while.

Q. Was John also raised there?—A. Yes, sir.

Q. Who is the oldest?—A. John.

Cross-examined :

Q. You say Crawford hunted frequently in that bottom; how do you know, by what he said?—A. I know that he went hunting.

Q. How do you know?—A. He took his gun and went hunting.

Q. You did not see him go yourself?—A. No, sir.

Q. Do you know where he was on the night of the election?—A. Yes, sir; he was at my house.

Q. When did he go there, that day?—A. I don't know, I was not home.

Q. When had you left home?—A. About 4.30.

Q. Do you know where he was on the 3d of July?—A. I do not.

Q. Do you know whether he was at your place on the 3d of July?—A. No, sir.

Q. Do you know where he was on the 4th of June, 1886?—A. I don't know.

Q. How do you know he was there in 1886?—A. He is the only one there.

Q. He was not indicted till 1886?—A. No, sir.

Q. What makes you think he was there on election night?—A. I was there and my step-daughter was not there and I asked Crawford to stay and sleep upstairs.

Q. You asked him to stay there particularly that night?—A. Yes, sir.

Q. When did you first begin to think that he was there on election night?—A. I suppose I thought of it that night.

Q. Did Crawford ask you to refresh your memory about that night?—A. No, sir.

Q. When were you first spoken to for the purpose of ascertaining whether Crawford was there that night?—A. About the middle of June.

Q. Who spoke to you?—A. I really can't tell.

Q. Did you know then you would be a witness in the case?—A. I did not.

Q. Do you know that Crawford went to bed at 10 o'clock?—A. I do.

Q. What fixed the time in your mind?—A. I heard him; I noticed when he went down stairs it was 10 o'clock.

Q. You remember that in June of this year?—A. Yes, sir.

Q. Where was he before that?—A. He was in my sitting-room upstairs.

Q. Do you always notice the clock?—A. Yes, sir.

Q. Did you look at the clock to see what time he went down-stairs?—A. No, sir; just for my own satisfaction.

Q. Did you see him again till the morning?—A. No, sir.

Q. Who else did you hear that night except Crawford; any one?—A. No, sir.

- Q. Who was there when Crawford came?—A. Nobody.
Q. How did he come?—A. On horseback from Chapel Hill.
Q. When did he leave?—A. At dinner time.
Q. Is Chapel Hill his voting place?—A. Yes, sir.
Q. How did you know he went to Chapel Hill?—A. He told me so.
Q. Do you know he went there?—A. Only from what he said.

TESTIMONY OF IRENE S. TOLEN.

IRENE S. TOLEN, examined:

- Q. Are you the sister of the defendant Tolen?—A. Yes, sir.
Q. Were you living at Chapel Hill in November, 1886?—A. Yes, sir; I was living at home, 1 mile northeast of Chapel Hill.
Q. Who composed the family?—A. My mother, Johnnie Jestus, my grandmother, my brother, and myself.
Q. How old is your brother?—A. Twenty-three.
Q. Where was he on the evening of the election? Did he come home on that evening in November, 1886?—A. He came home between sun-down and dark.
Q. How long did he remain at home?—A. He remained all night.
Q. Did he come home before or after supper?—A. Before supper.
Q. Did the family have supper after that?—A. Yes, sir.
Q. What time did you retire?—A. Joe retired before 10, and my mother before 10, and I at 11. Johnnie Jestus was not at home that evening.
Q. What room did Joe occupy?—A. A room by himself.
Q. Did any one come into the house with him?—A. No one came there during the day.
Q. Did you see him again during the night?—A. Yes, sir.
Q. How came you to see him?—A. I went to his room about 1 o'clock.
Q. How do you know it was 1 o'clock?—A. I know it was between 12 and 2; I thought it was 1 o'clock. He had asked me to have breakfast early.
Q. How came you to go in his room?—A. He had been in the Bottom all summer and he had chills and night-sweats and I was afraid he would take consumption, and I went to his room every night when it got cool and spread a blanket over him.
Q. Was he there when you went in?—A. Yes, sir.
Q. When did you see him next?—A. Just before daylight, at breakfast. He was in his room when I got out.
Q. Where did he go then?—A. He went into the field and got his horse.
Q. Had he turned his horse in the night before?—A. Yes, sir.
Q. Was that his custom?—A. Yes, sir.
Q. Did he have any other horses there?—A. No, sir.
Q. Did any one come there during the night?—A. No, sir.
Q. Your mother is not here, is she?—A. No, sir.
Q. Is there any reason why she remained at home?—A. Yes, sir. She was physically unable to come here.
Q. She has been suffering for some time?—A. For twenty-five years.
Q. This place your brother goes in the bottom, what is it called?—
A. It is called the Tolen place.
Q. Part of it still belongs to your mother?—Yes, sir.

Q. Did you have any stock there?—A. Yes, sir; he has cattle and horses running in the bottom.

Q. Does he know the country there thoroughly?—A. Yes, thoroughly; there is no danger of his being lost.

Q. He knows the country thoroughly, and has for years?—A. Yes, sir.

Q. Does he and the other men go hunting in the bottom?—A. Yes, sir.

Cross-examined:

Q. Where was Joe Tolen on the 4th of last August?—A. He was at home.

Q. When did he get there?—A. Joe did not vote for prohibition; he went down during the day and rode home just after night.

Q. Did he go to bed just after that?—A. I waited until he came and he sat at the table for awhile and read the papers and then retired.

Q. Did you go to see if he was well?—A. He has not been in the bottom this year and he has been well all the time.

Q. Where was he on June 4?—A. I don't know, out to see some young lady, I think. If you give me time I might be able to tell you.

Q. Take your own time.—A. He was at home.

Q. Did he retire that night?—A. As soon as the family did.

Q. What impresses the fact on your memory that he was there on the election night?—A. I was in the yard and I saw him come in. I asked him where he had been and he said at the Garnett gin-house.

Q. What else?—A. He went and fed his horse and we went in the dining-room for supper. After supper he told us about several incidents had happened that day. I had several things to do in the dining-room and while I was at work mother and he sat there.

Q. What did he say about Chadwick's gin?—A. He did not know. They did not have any election there.

Q. But he told you about this?—A. Yes, sir.

Q. Did he say there was any disturbance there?—A. No, sir.

Q. Was there anything particular happened there?—A. No, sir; nothing but the jokes of the young men.

Q. Did he tell you anything about Flewellyn?—A. No, sir. The evening after the election Joe went to the bottom; that is 5 miles northeast of home; when he got home mother and I was very much alone, and we wanted to hear if anything had happened.

Q. Was that the first time you had heard of it?—A. I did not hear of it from Joe. Joe came home after Johnnie Jestus came from school.

Q. Did you hear a man was killed at Flewellyn?—A. No, sir; I first heard twelve men were killed at Graball.

Q. Was that the first time you had heard of the killing of the man at Graball?—A. Yes, sir.

Q. Did Tolen tell you any man had been hurt at Flewellyn?—A. No, sir.

Q. Did he say anything about it next morning?—A. No, sir.

Q. You say he retired at about 10 o'clock?—A. Yes, sir.

Q. Did you see him any more until you saw him in the morning?—A. Yes, sir.

Q. Did you go into his room when you went to bed?—A. Yes, sir; he was sick.

Q. You went to bed at 11 o'clock, what time did you wake up?—A. At 1 o'clock; I went into his room to put on the blankets.

Q. You went in there three hours after you went to bed?—A. Yes, sir.

Q. What time did you get up?—A. About 4 o'clock.

Q. You only slept five hours, then?—A. That is about the usual time that I sleep.

TESTIMONY OF J. H. FOSTER.

J. H. FOSTER, examined :

Q. Where were you living at the time of the November election in 1886?—A. I was working at Chapel Hill, at the western branch of the Houston and Texas Central Railroad.

Q. Was that your voting place?—A. Yes, sir.

Q. Were you down in town that evening after the polls closed?—A. Yes, sir; till about 10.30.

Q. Did you see Sligh that night?—A. Yes, sir.

Q. When did you see him and where?—A. I saw him about 10.30; I left him on the street near Buckingham's store on the way to the depot.

Q. What were you going to the depot for?—A. To meet the night train.

Q. Do you know Sligh well?—A. Yes, sir.

Q. Have you lived there long?—A. Yes, sir; I was born at Chapel Hill.

Q. Are you sure you saw Sligh?—A. Yes, sir.

Q. You talked with him?—A. Yes, sir; we met several of the boys there and talked about the election generally.

Q. Did Sligh say anything when you parted about where he was going?—A. He said he was tired and would go and lay down.

Q. How far is the depot from the town?—A. About three-fourths of a mile.

Q. You did not go back to town that night?—A. No, sir.

Cross-examined :

Q. Who was with Sligh when you saw him?—A. When I last saw him, I don't know.

Q. You say some of the boys were there?—A. I did not see any of the boys with him, I said I talked to several of the boys.

Q. Who was with Sligh when you left?—A. There was no one with him.

Q. Who were standing around there?—A. I don't remember.

Q. Did you see Whisenant?—A. No, sir.

Q. Did you see Traylor?—A. No, sir.

Q. Jodie Rout?—A. No, sir.

Q. Tolen?—A. No, sir.

Q. Who else did you see there?—A. No one else.

Q. Who also did you meet in town?—A. I met a good many.

Q. What time was it the train came in?—A. I think about 11 o'clock.

Q. Are you positive?—A. Not earlier than 11.

Q. Did you see Judge Kirk?—A. Yes, sir; in the early part of the night.

Q. What time?—A. About 8 o'clock.

Q. Who was he with?—A. I don't remember.

Q. Did you see him with Sligh?—A. I don't remember.

Q. Did you see Traylor there?—A. Yes, sir.

Q. Was he there when you saw Kirk?—A. I don't remember.

Q. What did you go down to the depot there for?—A. To open up and sell tickets.

Q. What did you go up-town at night for?—A. Just to hear how the election was going on.

Q. Who did you leave in charge of the depot?—A. No one.

Q. You left no one there at the depot?—A. No, sir.

Q. Do you perform the duties of both night and day operator?—A. No, sir; we have no night operator.

Q. Where do you room?—A. I have a room at the depot.

Q. What time did you go back there?—A. About 9 o'clock.

Q. Was the train on time?—A. I don't remember that.

Q. You don't remember how long you were down there?—A. No, sir.

Q. Do you remember anything that will fix the time that you saw Sligh?—A. Yes, sir; I looked at my watch to see.

Q. Was there a light there?—A. Yes, sir; there was a light there.

Q. What kind of a light?—A. Moonlight.

Q. What time did the moon set that night?—A. I don't remember.

Q. Did Sligh have a slicker on that night?—A. No, sir.

Q. You looked at your watch?—A. Yes, sir.

Q. Had it an illuminated face?—A. No, sir.

Q. You looked at Sligh and then went down to the depot?—A. Yes, sir.

Redirect:

Q. Are you the only one at the depot?—A. Yes, sir. There is an operator there during the day.

Q. Did you open up only for trains coming in?—A. Yes, sir.

Q. You are only required to be there then to sell tickets and check baggage?—A. Yes, sir.

TESTIMONY OF LEVI ROGERS.

LEVI ROGERS, examined:

Q. Where do you live?—A. At Chapel Hill.

Q. Where were you on the election day in November, 1886?—A. I was there at Chapel Hill.

Q. Were you there during the night?—A. Yes, sir.

Q. Were you acquainted with Sligh?—A. Yes, sir.

Q. Did you see him that night any time?—A. Yes, sir.

Q. When and where did you see him the last time?—A. At the poll-box.

Q. What time of night when you saw him last?—A. I went home. He says, I believe I will go home, too.

Q. Did you walk together?—A. Yes, sir, as far as his house; he went in there.

Q. What time of night was that?—A. When I left the bar-room it was 10.30; I staid at the polls about one half or three-quarters of an hour.

Q. You left him there?—A. Yes, sir.

Q. Did you go back any more?—A. No, sir.

Q. That was the last you saw of Sligh?—A. Yes, sir.

Cross-examined:

Q. You left what bar-room?—A. McDurmott's.

Q. The bar-room was not open on election night, was it?—A. No, sir; but I was the waiter there and I clean up there.

Q. What were you doing there at that time?—A. I am there every night.

Q. Was there any necessity compelled you to sit up there on election night?—A. Well, I was in town.

Q. What were you cleaning up there for if there was nothing sold?—A. I was not cleaning up; I was just sitting around. I was sitting out on the front.

Q. Who else was there?—A. There was a great many there.

Q. Did you see Whisenant?—A. No, sir.

Q. Did you see McDurmott there?—A. Yes, sir.

Q. What time did you see him?—A. I was sitting down in the street in front of the bar-room. The clock in the bar-room struck 10 o'clock.

Q. Had the moon gone down then?—A. I disremember.

Q. Did you have a watch?—A. I did not have one then.

Q. Where did you meet Sligh?—A. At the poll.

Q. What was he doing?—A. He was standing there.

Q. Don't you remember whether the moon was shining or not?—A. I don't remember.

Q. What sort of clock struck in the bar-room?—A. I don't know; it was a long clock.

Q. You heard the clock strike 10 when you were starting to the poll, and you went down to the polls?—A. Not right then; it was about 10.30 when I left there. I staid about half an hour.

Q. The clock don't strike one-half hours?—A. No, sir.

Q. Who went with you?—A. No one.

Q. Were they voting then?—A. No, sir.

Q. Were they counting the votes?—A. Yes, sir.

Q. Had you taken part in the election?—A. No, sir.

Q. You did not care much about the election?—A. Yes, sir; I took no interest in the election.

Q. Why did you go down to the polls then?—A. It was on my way home.

Q. Tell us who was with Sligh when you stopped and spoke to him.—A. I don't remember.

Q. Was there anybody with him?—A. There was a gentleman inside counting the votes.

Q. What was he doing?—A. He was standing there at the poll.

Q. How far is that from McDurmott's saloon?—A. I could not tell you exactly how far.

Q. State it about.—A. I reckon about 100 or 150 yards.

Q. Did you walk right straight down there?—A. Yes, sir.

Q. When you walked down to the polls did you meet Sligh on the way?—A. No, sir; he was there; I did not meet him on the way.

Q. Did you see Foster on the way?—A. I don't recollect.

Q. What was Sligh doing at the polls?—A. He was standing there.

Q. Did you notice anybody with him?—A. No, sir.

Q. Did he ask you the time of night?—A. No, sir.

Q. Did you and he go off together from the poll?—A. No, sir; I went off and said I was going home; I said it was near 11 o'clock.

Q. Did he go with you?—A. Well, he walked home after noon.

Q. Did you watch him and see if he went into his house?—A. He caught up with me before he got up to the house.

Q. Was that before 11 o'clock?—A. I said it was 11 when I left the bar-room.

Q. Did you stay long at the poll?—A. No, sir.

Q. What time next morning did you see Sligh?—A. I think pretty early next morning.

Q. How early?—A. About a little after sun-up.

Q. In Chapel Hill?—A. Yes, sir.

Redirect:

Q. How far is Sligh's from the sidewalk?—A. Right on the street.

TESTIMONY OF R. P. L. WRIGHT.

R. P. L. WRIGHT, examined:

Q. Where were you on last election day?—A. At Flewellyn's place.

Q. What were you doing there?—A. I was one of the officers of election.

Q. Did you stay during the election?—A. Yes, sir.

Q. What time was it the disturbance occurred there?—A. Between 11 and 12 o'clock.

Q. What was it?—A. There was a young man named Bolton shot.

Q. How came him to be shot?—A. I could not say; he was shot by freedmen, I suppose.

Q. Who came in with him?—A. Nobody.

Q. Was he in disguise?—A. No, sir.

Q. What did he do?—A. He did nothing. He came in and was shot from the front door.

Q. You say he was not in disguise?—A. No, sir.

Q. Did he have a six-shooter?—A. No, sir; if he did I did not see it.

Q. Did you recognize him when he came in?—A. I did not see him then; I saw him when he was shot.

Q. Where did he fall?—A. Just inside the door.

Q. Do you know who shot him?—A. No, sir.

Q. Did you have your back to the door when he was shot?—A. No, sir; I had my side.

Q. How was your attention called to Bolton coming in?—A. He knocked, and some one got up and let him in; it was then that the shot was fired.

Q. What came of everybody then?—A. They all got out of the house.

Q. Did you see anybody then that had not been in the house?—A. No, sir.

Q. Did you see Pope Hill?—A. No, sir.

Q. Had he been around the poll?—A. No, sir.

Q. Did you see him have a gun?—A. No, sir.

Q. Did he have any connection with that election?—A. No, sir.

Q. Was he in the room where you were counting?—A. No, sir.

Q. Where did he have his gun?—A. It was on the front gallery; there were three guns there belonging to colored men.

Q. Was Pope Hill in the room when the shot was fired?—A. I think he went out a short time before.

Q. What door did he go out?—A. The front door.

Q. And Bolton came in the other door?—A. Yes, sir.

Q. Was that the door most used?—A. Yes, sir.

Q. Was the house occupied at the time?—A. One man was living there.

Q. This door Bolton came by is the one people usually come by?—A. Yes, sir; by the side gate.

Q. Did you come back again for the box?—A. I came back to the gate, but not to the house.

Q. What time did you go there again?—A. About sunup.

Q. Where was Bolton then?—A. He was lying where he was shot.

- Q. What kind of shot was used?—A. I think No. 3.
- Q. Did you see any disguise on him?—A. No, sir.
- Q. Did you see any pistol or weapon on him?—A. No, sir.
- Q. What came of the ballot-box when the shooting occurred?—A. I don't know.
- Q. Had the tickets been counted?—A. Some of them had.
- Q. What time did Judge Kirk get there?—A. I think we had been counting votes about two or three hours. I think it was about 9 o'clock.
- Q. How long did he stay?—A. A very short time.
- Q. How long had he been gone when Bolton got shot?—A. I think about two hours.
- Q. What time was Bolton shot?—A. I think about 11.30; between 11 and 12.
- Q. Not later than 12?—A. I don't think it was quite 12.
- Q. When Kirk came did he come secretly to get in the house?—A. He walked in; the front door was open.
- Q. Anybody with him?—A. No, sir.
- Q. Did you hear anybody outside?—A. No, sir.
- Q. Did you hear any noise?—A. No, sir.
- Q. Were there any freedmen there?—A. I think two or three.
- Q. Was Pope Hill there?—A. Yes, sir.
- Q. There was no objection to anybody coming in or out of the room?—A. No, sir.
- Q. Some of the men were outside, where they could see Kirk when he came in?—A. Yes, sir.
- Q. Was there any scratching of Judge Kirk and others?—A. Yes, sir; a right smart.
- Q. Which were mostly scratched?—A. Kirk and Beaver.
- Q. How about Lewis?—A. There was a great deal for him.
- Q. Up to the time of the count you say the country was running for Schutze and Kirk?—A. I say it was about even for those two.
- Q. Were Hewett and Hurtz colored men?—A. Hewett is, but Hurtz is a German.
- Q. Is Schutze a German?—A. Yes, sir.

Cross-examined :

- Q. What sort of night was that; was it rainy?—A. No, sir.
- Q. Was it a cold night?—A. It was not cold, it was not warm—it was cool.
- Q. Did you have a fire?—A. No, sir.
- Q. How many votes were counted up to the time Bolton was shot?—A. About 50 or 60.
- Q. Had you left the diamond-shaped tickets to be counted last?—A. Well, they started to count one at a time and then they counted by fives.
- Q. Did you leave the diamond-shaped tickets till the last?—A. No, sir; we counted the diamond tickets, too.
- Q. Did not you leave them to the last?—A. I don't know; I don't know whether Robinson picked them out or not.
- Q. You were appointed by Kirk?—A. No, sir; by the presiding officer.
- Q. You had only counted about 60 votes?—A. I think so.
- Q. That was at the time Bolton was killed?—A. Yes, sir.
- Q. Kirk had got to the polls something after 11 o'clock?—A. No, sir; before 11 o'clock.

Q. How many votes had you counted when Kirk got there?—A. About 35.

Q. When had you commenced counting?—A. About 6.30.

Q. The tickets you had counted were badly scratched?—A. Some of them.

Q. Explain how some of the diamond tickets were scratched?—A. The names were written right over their names.

Q. You read the tickets?—A. Yes, sir.

Q. Did not Kirk have a conversation with Robinson when he came there?—A. I think Robinson said something to him at the front door.

Q. Did not they converse at the front door?—A. It was a very short while.

Q. Was there a man there by the name of Rogers?—A. Yes, sir.

Q. What was he doing?—A. He was lying on the bed.

Q. Was he a white man?—A. Yes, sir.

Q. Did not Kirk examine the tally-sheet?—A. I don't remember.

Q. You left after the shooting?—A. Yes, sir.

Q. When did you come back?—A. I came up to the gate and as there was no one there I went away.

Q. When did you come back?—A. About sunup.

Q. Was anybody there?—A. Yes, sir.

Q. Did you see Bolton there?—A. Yes, sir; he was lying on the floor near the door with a handkerchief over his face.

Q. Who spread the handkerchief over his face?—A. I don't know; it was a handkerchief or a towel.

Q. Was it bloody and torn?—A. I don't know.

Q. Did you notice whether it was knotted around his neck?—A. I don't know.

Q. Did you look up before the shot was fired?—A. No, sir.

Q. When you looked up the man had already been shot?—A. Yes, sir.

Q. Who did you see then?—A. I saw a man there. He had a gun. I went out pretty lively at the same door Bolton was shot.

Q. Did he have a slicker on?—A. Yes, sir, buttoned up at the throat.

Q. You went out then?—A. Yes, sir.

Q. Did you return to count the votes?—A. No, sir.

Q. What came of the box?—A. I don't know.

Q. Did you ever see the box again?—A. No, sir.

Q. Had members of Congress been voted for?—A. Yes, sir.

Q. Did you see Bolton that day?—A. Yes, sir; he was there in the morning.

Q. Did you see Hogsett that day?—A. Yes, sir.

Q. Has he ever been in that place since?—A. I heard some say they seen him.

Q. Where did he live?—A. In Paris, North Texas.

Q. Was he not a voter that day?—A. I think not.

Q. Did you see him and Bolton talking that day?—A. No, sir.

Q. Do you know whether anybody else but Bolton was wounded there that night?—A. No, sir.

Q. Do you know whether there was anybody in the door when Bolton was shot?—A. No, sir.

Q. If there had been would you have seen them?—A. Yes, sir.

Q. Was Bolton in the door?—A. Just at the door; he fell about two feet from the door.

Q. What sort of a light did you have then?—A. A lamp.

Q. Was the lamp on the table you were sitting at?—A. Yes, sir; it was in front of me. The lamp was in front of me toward the right.

Q. You looked away from the glare of the lamp when the shot was fired?—A. Yes, sir.

Redirect:

Q. Did the smoke of the gun come in the room?—A. Yes, sir.

Recross-examined:

Q. Where was Bolton shot at?—A. At south door.

Q. Was that near you?—A. It was at my side. The other door was just at my left.

Q. Then the shot that killed Bolton went over your head?—A. No, sir; it just went across me.

Q. Was there one shot?—A. No, sir; there were two.

Q. How far was it to your right to the door?—A. About 20 feet.

Q. Is not the room 16 by 18 feet?—A. Yes, sir, I think so; there are 16 feet between the doors instead of 20. It would make it 18 or 20 feet by there being an angle between the doors, and they were not opposite each other.

Q. When you heard the report did not your attention go to the place where it sounded from?—A. Yes, sir; I did not look to the front door first, but I looked to my right. I did not see the gun at all.

Redirect:

Q. Did you know that it was Bolton who was shot?—A. I thought it was him, but there was blood all over his face, and I could not tell.

Q. Did you see Bolton around there with a six-shooter that day?—A. No, sir.

Q. Did you know him well?—A. Yes, sir.

Q. Did he carry arms?—A. No, sir; I never saw him armed, not in my life.

Q. Did he say anything when he came in the door?—A. No, sir.

Q. Did you hear anybody say hands up, or anything of that sort?—A. No, sir.

Q. Did you see any pistols presented?—A. No, sir.

Recross-examined:

Q. You say you knew him a long time?—A. Yes, sir.

Q. He was a friend of Rogers and Nicholson also?—A. Yes, sir.

Redirect:

Q. Were you about or there as a representative of the People's ticket or as an officer?—A. I was an officer.

Q. What did the man you speak of come down there to Chapel Hill for from Paris?—A. He had a grandmother there.

TESTIMONY OF WILLIAM CAWSE.

WILLIAM CAWSE examined:

Q. Were you at the Flewellyn box in November, 1886?—A. Yes, sir.

Q. What were you doing there?—A. I was clerk of the election.

Q. Did you stay through the count?—A. Yes, sir.

Q. Did you know Bolton?—A. Yes, sir; for several years.

Q. Did you see him there that night?—A. I never saw him until I saw him dead.

Q. What time did he get there?—A. About 11.30.

Q. How did he go; who was with him, and who killed him?—A. I don't know who killed him. At 11.30 some one knocked at the door and I said come in. I supposed Bolton came in. There was a shot fired then and Bolton fell on the floor.

Q. Did you notice how he was shot?—A. No, sir.

Q. Was he disguised?—A. No, sir.

Q. Did you see anybody else with him or behind him?—A. No, sir.

Q. Did you see anybody else around there?—A. No, sir.

Q. What door did you go out of?—A. The same door he fell at; I tried to run out the other door and run against a gun and I turned and run out the other door.

Q. Did you see anybody else out there?—A. No, sir.

Q. Did Bolton holler hold up your hands when he came in?—A. No, sir.

Q. Did you notice any pistols there on him or on the floor?—A. No, sir.

Q. How was he dressed?—A. He had on a slicker.

Q. Where did you see him again?—A. About 8 o'clock next morning.

Q. Where was he lying then?—A. In the same place; I saw his head was lying on the threshold of the door.

Q. Did you notice anything on his face next morning?—A. Yes, sir; there was something laid over his face.

Q. Was it tied?—A. No, sir.

Q. Did you see any weapons with him?—A. No, sir.

Q. Was there any other shots fired?—A. There was two shots fired over there; one of the shots went into the wall.

Q. What sort of shot was it?—A. It was squirrel shot.

Q. There was no other gun shots fired?—A. No, sir.

Q. Had you seen Bolton there that day?—A. In the morning before the poll was opened.

Q. What came of the ballot-box; do you know?—A. No, sir; the last I saw of it it was with Robinson.

Q. You did not see what became of it?—A. No, sir.

Q. Did you look for it next morning?—A. No, sir.

Q. Did you see Judge Kirk there that night?—A. Yes, sir.

Q. What time?—A. Somewheres between 10 and 11.

Q. Did he come in and call anybody out?—A. He came in and looked over my shoulder at the tally-sheet.

Q. He was not disguised?—A. No, sir.

Q. Was some of the colored people there when he came in?—A. Yes, sir.

Q. Was there anybody else outside when he came?—A. I don't think so.

Q. How long did he stay?—A. Not more than a minute or two.

Q. Did you see him talk to Rogers on the bed?—A. I did not notice.

Q. What condition was Rogers in?—A. I think he was all right then, but he had been drinking during the day.

Q. Did Robinson go out with Kirk?—A. I don't think he did; I did not pay much attention to it.

Q. Was there any scratched tickets in the box?—A. Yes, sir.

Q. Were the Republicans scratched, and in whose interest?—A. I reckon in favor of Kirk and the People's ticket.

Q. How far had the count proceeded up to the time of the killing of Bolton?—A. To about 50.

Q. How were Kirk and Schutze there?—A. About even.

Q. You left the tally-sheet there?—A. Yes, sir; on the table.

Q. Had you seen anybody with guns about the poll that night?—

A. No, sir.

Q. You don't know who had the gun you ran against?—A. No, sir; it was dark outside.

Q. How far did you live from there?—A. About 300 yards.

Q. Did you go home?—A. Yes, sir; and staid there until about 8 o'clock next morning.

Q. When you saw Bolton that morning was he armed?—A. No, sir.

Q. How long have you known him?—A. Several years.

By the COURT:

Q. Was he armed?—A. I did not see any.

By the DEFENSE:

Q. What is his reputation?—A. A quiet, peaceable young man.

Q. Did you hear Kirk say anything about Graball when he was in there?—A. No, sir; some one asked him if he was going to Graball, but I don't remember the answer.

Q. He did not say anything himself about it?—A. No, sir.

Q. Did you see any weapons on Bolton's body there?—A. No, sir.

Q. Why was the body not removed?—A. I expected they waited till the coroner came.

Q. They did not move it at all?—A. No, sir.

Cross-examined:

Q. You testified before the committee at Washington?—A. Yes, sir.

Q. State how those votes were counted, whether you counted the straight or scratched tickets first?—A. We counted the straight tickets.

Q. Did you notice which ticket was ahead?—A. No, sir.

Q. How many had been counted?—A. About 59.

Q. Did it take you from 6 till 9 to count these votes?—A. Yes, sir.

Q. How did you count the straight tickets?—A. By tens.

Q. What sort of ticket was that?—A. It was the straight ticket?

Q. Do you know whether it was the diamond-shaped ticket or not?—

A. No, sir.

Q. You counted some straight tickets first?—A. Yes, sir; and then we took up the scratched tickets.

Q. When Kirk came did not he speak to Rogers?—A. I did not see him.

Q. Something was said about his being beat at Graball?—A. I don't remember his answer.

Q. Could you see whether Kirk staid to talk to Robinson or not?—

A. I did not notice.

Q. How long did you wait for Robinson?—A. A minute or so.

Q. You say Rogers and Robinson and Wright was there, and several freedmen, and when the shot was fired they ran?—A. Yes, sir.

Q. You say there was no noise or run when the shots were fired?—

A. I went outside the house.

Q. How soon did you get outside the house?—A. As soon as I could.

Q. Did you ever see Bolton until he was on the floor?—A. I don't think so.

Q. When Robinson talked to Kirk was the polls closed?—A. It was closed, I think.

Q. Did Bolton come in the same time that Robinson was standing outside?—A. No, sir.

Q. When Bolton came in your back was towards him?—A. Yes, sir; he came in the south side.

Q. You had the front door open at the time Bolton came in?—A. No, sir; I don't think so. I think one of the freedmen opened it just as the knock came from the other door.

Q. Was there more than two doors to the house?—A. Yes, sir.

Q. How many rooms are there?—A. About four and the kitchen.

Q. There were two outside doors?—A. Yes, sir; the door Bolton came in opened on a little gallery.

Q. Did the front door have a gallery?—A. Yes, sir; a small one.

Q. When there was a knock at the door did anybody say come in?—A. I don't know; I think so.

Q. Bolton was familiar with the premises?—A. Yes, sir.

Q. He had been there that morning?—A. Yes, sir.

Q. How late in the evening had you seen him?—A. Not after 8 in the morning.

Q. When the shot was fired, what were you doing?—A. Counting tickets.

Q. What were you doing?—A. I was working at the tally-sheet.

Q. Did you hear the direction in which the shots came?—A. I was not certain at first.

Q. Did you look in the direction it came?—A. No, sir.

Q. Did you start to go out?—A. Yes, sir; to the front door. I was close to that door and started to run out.

Q. How near to it?—A. About 3 or 4 feet.

Q. The shot was fired nearly right from you?—A. Right to my left.

Q. You were not attracted by the sound of the shot?—A. No, sir.

Q. Who was in the house when you went out?—A. I think Rogers and myself and a couple of freedmen under the bed.

Q. Did you call Rogers to get out?—A. Yes, sir.

Q. You left two freedmen under the bed?—A. Yes, sir.

Q. Did you know the man who was dead?—A. No, sir.

Q. Did you stop to see who it was?—A. No, sir.

Q. Did Rogers?—A. No, sir.

Q. You both went out and did not come back until next day?—A. No, sir.

Q. You made no examination of him then?—A. No, sir.

Q. You were supporting the People's ticket?—A. Yes, sir.

Redirect:

Q. You voted that day?—A. Yes, sir.

By a JURYMEN:

Q. How did you know the negroes were under the bed?—A. I saw them.

TESTIMONY OF ALGIE HUNT.

ALGIE HUNT, examined:

Q. You live in Brenham?—A. No, sir; about 2 miles southeast of Brenham.

Q. Is Brenham your voting place?—A. Yes, sir.

Q. Were you there at the last November election?—A. Yes, sir.

Q. What time?—A. Before noon.

Q. Where did you go to?—A. Palm's store.

Q. What time did you get back?—A. I think about 5 or 5.30.

Q. Did you see Kirk or any one else standing on the sidewalk and talking about the election near Amslers?—A. No, sir.

Q. Was it said by you or Kirk, or did anybody make the remark, that the ticket was beaten, and did Kirk say it don't make any difference anyhow?—A. No, sir.

Q. You know Bedford Guy?—A. Yes, sir.

Q. You had no such conversation with Kirk, and did not hear him make any such remark?—A. No, sir.

Cross-examined:

Q. Did you see Kirk when he left town?—A. No, sir; I did not.

Q. You came back from Palms's store?—A. Yes, sir.

Q. Were you electioneering for Kirk?—A. Yes, sir; I was spreading that ticket.

Q. There was a voting place at Palms's store?—A. Yes, sir.

Q. Did not you take some men from Brenham to vote?—A. Yes, sir; to vote the People's ticket.

Q. When you came back, did not you meet Kirk and did not he ask how the election was going on?—A. No, sir; I did not tell him that day.

Q. Did not you meet him and talk to him about how the poll was?—A. I don't think I saw him at all that afternoon.

Q. Did not you see him at all?—A. I don't think so.

Q. Did not you say Kirk was going to Chapel Hill that evening?—A. No, sir.

Q. Did not you come to Kirk on the street and say "Well, they beat us this time, we will them the next." And he said "We will get there any way?"—A. No, sir.

Q. Did not you know that the Democratic ticket was lost?—A. No, sir.

Q. You had no news at all?—A. I had from the box I went to.

Q. You made no report to Kirk, and had no conversation telling him how the vote went?—A. No, sir.

Q. Are you one of the parties indicted here for violation of the election laws?—A. Yes, sir.

By DEFENSE. He is indicted for intimidation.

(Objected to by defense, and objection sustained.)

Redirect:

Q. You went to Palms's store to carry some voters out there?—A. Yes, sir.

Q. How did that box go?—A. From what I could learn it had gone a good majority for the People's ticket.

Q. Then that would have been good news for Judge Kirk?—A. Yes, sir.

TESTIMONY OF LEM BLAKE.

LEM BLAKE, examined:

Q. Were you at Brenham on election day, last November, 1886?—A. Yes, sir.

Q. Was that your voting place?—A. Yes, sir.

Q. You live in Brenham?—A. Yes, sir.

Q. You know Judge Kirk well?—A. Yes, sir; ever since he could walk.

Q. Did you see the judge during election day at Brenham?—A. Yes sir.

Q. Were you and Kirk and Hunt together anywhere on the sidewalk, about Amsler's, after the box closed; during the afternoon did you see Green Hill and Hackworth and others together?—A. No, sir; Algie left Brenham some time during the day and went towards Palms's store between 12 and 1.

Q. Did any such conversation as this occur between Kirk and Algie or any of you, was it said "Kirk, it is going against you," and did he say "It did not matter?"—A. I did not hear anything of the kind that day.

Q. Do you know when Algie got back?—A. Very soon after sundown, about the closing time.

Q. Did you see him and Kirk together that afternoon?—A. No, sir; I started to Palms's store before Algie did and I met Harvin and came back and Algie went on.

Cross-examined:

Q. You say that you thought the election was going all right?—A. Yes, sir.

Q. Did you know Kirk telegraphed to Bolton, "Things look gloomy. Do your work?"—A. I heard it.

Q. Did not Kirk talk to you that evening about the election?—A. No, sir.

Q. Did not you know he was going to Chapel Hill?—A. No, sir.

Q. Did you see him when he went to Chapel Hill?—A. No, sir.

Q. Did you see him when he went out of town?—A. No, sir.

Q. Did you have any conversation with him?—A. No, sir.

Q. Did you hear anything?—A. No, sir.

Q. Did you hear any one say that judge was beaten?—A. No, sir.

Q. You were working for Judge Kirk that day?—A. Yes, sir.

Q. Did you make any report that day to him when you came back?—A. No, sir; I don't know as I did. I met Harvin and he told me they were through voting out there.

Q. Did you tell Kirk what Harvin told you?—A. I don't know that I did.

Q. Don't you know whether you saw him that evening?—A. I saw him two or three times that day.

Q. Did you see him in the afternoon?—A. Yes, sir.

Q. Did you talk to him?—A. If I did I don't recollect it.

Q. You mean to say you met him after you came back from Palm's store, and did not tell him how things were going there?—A. No, sir; I don't think I spoke to him at all.

TESTIMONY OF T. A. BABER.

T. A. BABER examined.

Q. Were you in Brenham on election day last fall?—A. Yes, sir.

Q. Did you live there?—A. Yes, sir.

Q. Did you know Judge Kirk?—A. Yes, sir.

Q. Did you know him well?

Q. Did you see him that election night?—A. Yes, sir.

Q. Where did you see him and at what time?—A. I saw him just before 12, at the court-house.

Q. Where did he go from there? State the circumstances.—A. I only know what he said; he said he had been to Chapel Hill and Flewellyn's.

Q. Was he afoot?—A. Yes, sir.

Q. What direction did he come from?—A. I walked up to him coming to the court-house.

Q. Where did he go?—A. I don't know.

Q. Where did he stop?—A. I think he had a room in the old McIntyre hotel.

Q. The court-house is in the center of the town?—A. Yes, sir.

Q. Lockhart's is south of the town?—A. Yes, sir.

Q. McIntyre's is two blocks south of the court-house square?—A. Yes, sir.

Q. Was anybody with him when you saw him?—A. No, sir; he was alone.

Q. You chatted with him a few moments?—A. Yes, sir.

Q. What were you doing?—A. I was looking after news about the election.

Q. Was the count through at the box?—A. No, sir.

Q. Was anybody with Kirk when you met him?—A. No, sir.

Q. Did he tell you where he had been, Chapel Hill or Flewellyn's?—A. No, sir.

Cross-examined:

Q. How far from Brenham is Chapel Hill?—A. Ten miles.

Q. How far from Chapel Hill is Flewellyn?—A. About 6 miles, or it may be 8.

Q. How far from Flewellyn's to town?—A. Thirteen miles.

Q. At what time did you see Kirk?—A. A few minutes before 12 o'clock.

Q. How did you fix the time?—A. By the town clock.

Q. Are you sure that you saw him at Brenham before 12 on 2d November last?—A. Yes, sir.

Q. How long did you stay with Kirk?—A. Only a few moments.

Q. Who was with him at the time?—A. Nobody.

Q. Had he already got off his horse?—A. He was afoot.

Q. Did he have his riding whip?—A. I did not see it.

Q. Did he have his overcoat on?—A. No, sir.

Q. Had the moon gone down?—A. I don't remember about the moon.

Q. Did he have any spurs on?—A. I did not notice.

Q. Did he have an overcoat?—A. No, sir; it was not cold enough to wear an overcoat.

Q. How long did you talk to him?—A. I don't know how long, probably about five minutes.

Q. Where did you go?—A. I went home.

Q. Who was with him then?—A. Nobody.

Q. Where did he go?—A. I don't know where he went.

Q. When the clock struck 12 where were you?—A. At home.

Q. Were you in bed?—A. Yes, sir.

Q. How far had you to go?—A. 250 or 300 feet.

Q. How long had you been in when the clock struck 12?—A. Perhaps five minutes.

Q. When you met Kirk it must have been fifteen minutes before 12?—Yes, sir.

Q. What direction did he come from and how was he walking?—A. He was a-walking slowly.

Q. Would he pass that hotel if he stopped at Lockhart's?—A. No, sir; he would be about half-way there.

Q. Was he going in the direction of McIntyres' hotel?—A. Yes, sir.

Q. How far is it to Lockhart's stable from where you met him?—A. About two blocks.

TESTIMONY OF WILLIAM HICKEY.

WILLIAM HICKEY, examined:

Q. Do you live at Brenham?—A. Yes, sir.

Q. How long?—A. Some time; I was born there.

Q. Were you at the last November election?—A. Yes, sir; I was living there then.

Q. Where?—A. Close to McIntyre's place.

Q. Do you know Kirk well?—A. Yes, sir.

Q. Did you see him that night?—A. Yes, sir.

Q. Where did you see him?—A. I saw a man I took to be Kirk riding down the street by Mr. Lockhart's stable.

Q. What direction did he come from?—A. From the east.

Q. What sort of a horse was he riding?—A. A gray pony.

Q. Whose was it?—A. Lockhart's.

Q. Did you recognize him?—A. I thought it was him.

Q. About what time was that?—A. Between 11 and 12 o'clock.

Q. Did you not see any more?—A. No, sir.

Q. He had to pass through the court square going to Lockhart's stable?—A. Yes, sir.

Q. Had you ever seen him riding that horse before?—A. Yes, sir; that evening.

Q. What time?—A. About 5 o'clock; he was going east.

Q. Did you ever see him ride that horse before?—A. No, sir; I don't think so.

Q. Did you see him again that night?—A. No, sir.

Q. You went home before 12?—A. Yes, sir.

Q. Have you got a town clock?—A. Yes, sir.

Cross-examined:

Q. Is that horse dead?—A. No, sir.

Q. You say you saw him and got home before 12?—A. Yes, sir; about fifteen or twenty minutes; I was just getting in bed when the clock struck 12.

Q. How long did you stay there after Kirk passed?—A. I was just going home.

Q. Did you stop to talk to anybody?—A. I might have.

Q. Who did you talk with?—A. Jim Graham and Tom Nichols.

Q. How long did you stay there?—A. Perhaps a minute or two.

Q. What time was it you saw Kirk?—A. Between 11 and 12.

Q. Did you see Rogers that night?—A. No, sir; I don't think so.

Q. Did you see Lum Boyd that night?—A. No, sir; not after 3 o'clock that evening.

Q. Was Kirk riding alone?—A. Yes, sir.

TESTIMONY OF D. D. BOLTON.

D. D. BOLTON, examined:

Q. Where do you reside?—A. In Washington County.

Q. How long have you lived there?—A. Since 1865.

Q. What is your voting place?—A. Graball.

Q. Where were you on the day of the election, on the 2d day of November, 1886?—A. At Graball.

Q. Do you know Judge Kirk?—A. Yes, sir.

Q. What relation are you to the man who was killed?—A. His father.

Q. Did you know of any combination or agreement between any persons to disturb the ballot-box?—A. No, sir.

Q. Did you receive a telegram from Judge Kirk that day?—A. Yes, sir.

Q. What time of the day did you receive it?—A. At dusk.

Q. Had the polls closed?—A. Yes, sir.

Q. At Graball?—A. Yes, sir.

Q. Where did you go and what did you do after you received the telegram?—A. I started to get my horse, and rode back and spoke to one of my neighbors; and told my son to come on and come home. He asked me to let him see the dispatch and I showed it to him, and I said "Get your horse and come home," and he said, "Go on; I will come after you."

Q. Did you show it to any one else?—A. Yes, sir; to Dr. Thompson.

Q. Did you attempt to conceal it?—A. No, sir.

Q. Is that the telegram (handing witness telegram)?—A. Yes, sir.

Q. State when you saw Kirk last before the election.—A. The evening before.

Q. Was there any understanding between you and Kirk as to sending information as to the polls?—A. Yes, sir.

Q. State what it was.—A. Well, it has always been the habit to send a dispatch from Brenham to let us know how the polls were going on. I told him to send one down.

Q. What does that telegram mean?—A. All the people there intended to go there that day and work for the People's ticket.

Q. That is all the meaning of the telegram?—A. That is what I took it for.

Q. You did not do any thing more?—A. No, sir; the polls had closed, and I got my horse and went home.

Q. You left your son there?—A. Yes, sir; he said he would be on directly.

Q. He had a family of his own?—A. Yes; he had a wife.

Q. Your house lay in the same direction?—A. Yes, sir; we went about two-thirds of the way together.

Q. When did you hear of your son's death?—A. About 1 or 2 o'clock.

Q. Did you leave home again?—A. No, sir; not until I heard my son was killed.

Q. What time did you get there?—A. I don't know, but I think about 2 o'clock.

Q. Did you see anybody there?—A. Tom Evans and McKinney were there; and soon after I got there Dick Robinson came in, and then Langheimer came in.

Q. Was there any other meaning to be attached to the telegram than that you have stated?—A. None that I know of.

Q. What was Kirk doing there?—A. Speaking.

Q. Was your son in the habit of carrying arms?—A. No, sir.

Q. Did you see any arms when you went to the house where his body was?—A. No, sir; I did not see any.

Q. Was he disguised in any way at all?—A. No, sir.

Q. Was there anything over his face?—A. Robinson had spread a handkerchief over his face.

Q. Was there one tied around his neck?—A. There was.

Q. Was that an unusual thing?—A. He was in the habit of wearing it.

Q. What sort of a handkerchief was it?—A. A white one.

Q. Had he ever been addicted to acts of violence?—A. No, sir.

Cross-examined :

Q. I understood you to say you learned of your son's death about 1 o'clock?—A. Between 1 and 2.

Q. Who gave you the news?—A. Tom Evans.

Q. Did you live then at Graball?—A. Yes, sir.

Q. I understood you to say your son saw the telegram?—A. Yes, sir.

Q. When you parted with your son did he have a slicker on?—A. I think not.

Q. When you got over there was the handkerchief knotted around his throat?—A. Yes, sir.

Q. When you got there Evans and Bob McKinney and Dick Robinson were there?—A. No, sir; Dick Robinson came in afterwards.

Q. When Dick Robinson spread the handkerchief over your son's face was it the one he had around his neck?—A. I think it was another.

Q. I understood you to say Kirk was to wire you how the election was going in Brenham?—A. Yes, sir.

Q. That agreement was already made in town with you to do all the work you could for the People's ticket?—A. Yes, sir.

Q. Do you know if the understanding was that you would work for the election? Do you understand why he put in there, "Do your work?" Was that meant for your ears only?—A. I suppose he intended for me to work harder.

Q. Did you show the dispatch to your son?—A. Yes, sir.

Q. Did Tom Evans know what was in it?—A. I don't know.

Q. Did McKinney know it?—A. He read it when I did.

Q. You went right after the information was given you about your son's death, you went down there, and there was no one there but Evans and Bob McKinney was there at the time?—A. No, sir.

Q. Did anybody else besides Robinson come up after that?—A. I could not name them.

Q. Did you know any of them?—A. No, sir.

Q. Did you see Sligh there?—A. No, sir.

Q. Traylor?—A. No, sir.

Q. Jodie Rout?—A. No, sir.

Q. Tolen?—A. No, sir.

Q. Crawford?—A. No, sir.

Q. Are you familiar with the country there?—A. Yes, sir.

Q. What is the distance from Chapel Hill to Flewellyn?—A. It is about 11 miles.

Q. From Flewellyn's to Graball?—A. It is about $4\frac{1}{2}$ miles.

Q. From Flewellyn's to Brenham?—A. It is about 16 miles.

Q. Is that around by Chapel Hill or the straight road?—A. The straight road is 16 miles.

Q. Was this message found on your son's body?—A. I don't know; I never saw it any more.

Q. Where did Evans and McKinney live?—A. McKinney lived one-half or three-quarters of a mile from the Graball box, and Evans lived about 2 miles up towards Washington from Graball.

In closing the testimony for the defense, defendant's counsel read from the testimony of La Fayette Kirk at Washington, as follows:

"Q. Where were you on election day?—A. I was in Brenham the most of the day.

"Q. What part of the day were you there?—A. I was there until 4 or 5 o'clock, afternoon; I can not remember definitely the time I left Brenham.

"Q. Did you leave Brenham?—A. I did leave Brenham; yes, sir.

"Q. Did you leave Brenham before the polls were closed?—A. Yes, sir.

"Q. How long before the polls were closed?—A. I suppose it was about an hour or one and a half hours.

"Q. What report had you up to that time from the Washington precinct as to how it was going?—A. I had no definite report at all.

"Q. I did not ask you that.—A. Well, I had heard, I think, some one had received a telegram there stating that it was mixed.

"Q. Who had received that telegram?—A. I do not remember who had received it; I did not see the telegram.

"Q. Is it not true that a report was received, and that you heard it, that that precinct was giving an unusually large Republican majority?—A. It is not. It is not true. I did not hear any such report.

"Q. What time did you leave Brenham if you did leave there?—A. I left there, I think, about 5 o'clock in the afternoon.

"Q. How did you go away?—A. I went on horse-back.

"Q. Where did you go?—A. To Chapel Hill.

"Q. How far was that from Brenham?—A. About 10 miles.

"Q. Where did you go from Chapel Hill?—A. To the Flewellyn voting place.

"Q. How far was that from Brenham?—A. I suppose about 14 or 15 miles.

"Q. When did you go there?—A. I came direct to Brenham.

"Q. Did you go to Graball?—A. I did not.

"Q. What business had you at the Chapel Hill voting place or at Flewellyn?—A. I went there to see how the vote was going.

"Q. That was a strong Republican precinct, was it not?—A. Yes, sir; it has usually given a majority for the Republican candidate.

"Q. Hadn't it always given a majority for the Republican candidate?—A. Not always, sir.

"Q. Was not that the strong Republican precinct of that county?

"The WITNESS. Do you mean Chapel Hill?

"Mr. SPOONER. No; the Washington precinct?

"A. No, sir; it was not the strongest, it was one of the strongest.

"Q. That was in the colored vent?—A. Yes, sir; in the colored vent.

"Q. Was your anxiety to know how the election was going confined to that colored and that Republican precinct?—A. I knew that usually went more or less Republican, but it had been pretty thoroughly canvassed and I had many indications to lead me to believe that I could get a strong colored vote and I wanted to see how it was panning out."

This closed the testimony for the defense, and counsel went on to address the jury.

AUSTIN, TEX., *August 23, 1887.*

I, Gerald Donnelly, make oath and say that the above and foregoing two hundred and forty pages contain a true and correct copy of my notes taken as stenographer in the case of the United States *vs.* La Fayette Kirk *et al.*

GERALD DONNELLY.

Sworn to and subscribed before me this the 23d day of August, A. D. 1887.

SAMUEL HOPKINS,
Clerk United States Circuit Court, Austin.

THE UNITED STATES OF AMERICA,
Western District of Texas:

I, D. H. Hart, clerk of the United States district court in and for the western district of Texas, at Austin, hereby certify that the above and foregoing one hundred and ninety-four pages contain a true and correct copy of the testimony taken in cause No. 1039 of the United States *vs.* La Fayette Kirk, John Traylor, Dewees Bolton, Bayliss Whisenant, Milton Sly, John Crawford, Joda Route, Joe Tolan, and Will Crawford, as the same appears on file in this office.

Witness my hand and official seal at office in Austin this the 21st day of April, A. D. 1888.

[SEAL.]

D. H. HART,
Clerk U. S. District Court, Western District of Texas.

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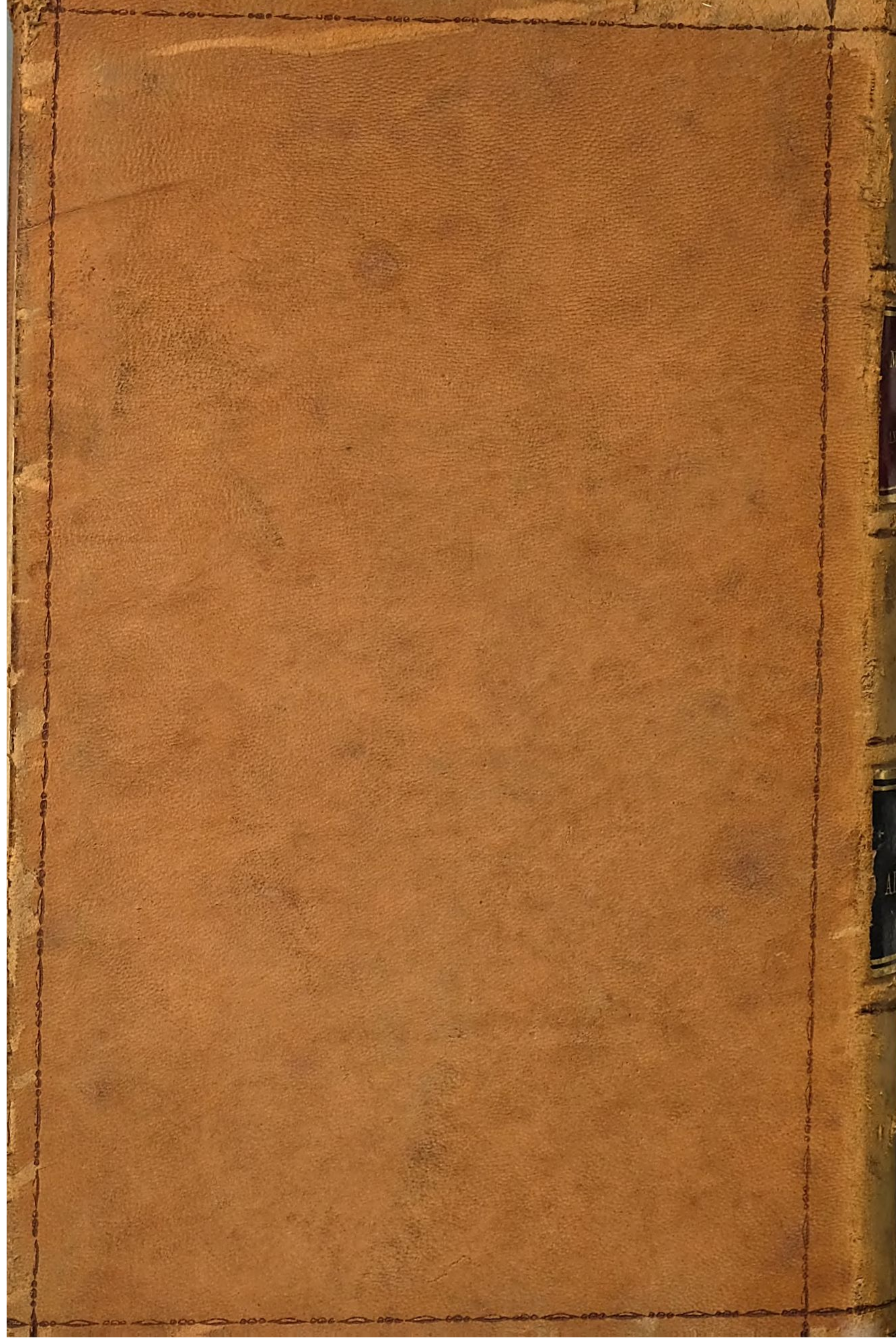
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Bd.: [401.] 1888/89, Vol. 3 = Congress 50, Sess. 2

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urn:nbn:de:bvb:12-bsb11548353-5